

**Title 20. Public Health and Welfare**

**Chapter XI. Division of Aging, Adult, and Behavioral Health Services,**

**Department of Human Services**

**Subchapter A. Generally**

**Part 430. Policy and Procedures Manual**

**Subpart 1. Area Agency on Aging Assessments**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"103.001 General Authority 8-1-12  
Older Americans Act of 1965 (As Amended in 2006)."

**20 CAR § 430-101. Generally.**

(a) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services will assess the administrative, financial, and programmatic performance of each area agency on aging as required by the Older Americans Act, 42 U.S.C. § 3001 et seq., as well as applicable regulations governing other funding sources.

(b) Such assessments are not a substitute for audit by an independent auditor as required by the Older Americans Act.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-102. Assessments.**

(a)(1) A complete on-site assessment of the administrative, financial, and programmatic performance of each area agency on aging will be conducted at least once during each area plan cycle.

(2) This does not preclude other forms of monitoring such as desk audits.

(3) Neither does it preclude providing on-site technical assistance to each program area more frequently.

(b) These assessment visits will be scheduled with the area agency on aging at least thirty (30) days prior to the visit.

(c) Additional assessments shall be conducted as necessary.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "8-1-12"

**20 CAR § 430-103. Assessment reporting.**

(a) Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services staff who conducts the assessment will prepare a complete assessment report using the appropriate area agency on aging assessment instrument.

(b)(1) The assessment report will:

- (A) Identify areas worthy of commendation;
- (B) Any areas of noncompliance;
- (C) Corrective action to be taken by the area agency on aging; and
- (D) Deadlines for completion of corrective action.

(2) Reports will be completed within thirty (30) days of the assessment visit and forwarded to the area agency on aging director.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "8-1-12"

**20 CAR § 430-104. Assessment follow-up.**

(a)(1) If corrective action is required, the area agency on aging will submit to the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services a plan which will specify action to be taken and the timeframe within which action will be completed.

(2) This plan will be reviewed by division program managers.

(b) Area agencies on aging will make the required changes within the designated timeframe.

(c) Division program managers will follow-up to confirm that these actions have resolved the problems they were to address.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "8-1-12"

**20 CAR § 430-105. Assessment of area plan objectives.**

(a)(1) Area agencies on aging will submit to the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services semiannual progress reports that compare the area agencies on aging's accomplishments to the service and program objectives in their area plans.

(2) The progress report for the January through June period is due July 31 and that for July through December is due January 31.

(b) Division program managers will review these progress reports and initiate appropriate follow-up if needed.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "8-1-12"

## **Subpart 2. Intrastate Funding Formula**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-19"

"104.001 General Authority 1-1-19

Older Americans Act of 1965, as amended in 2016

45 CFR 1321

Arkansas Code Annotated § 25-10-101 et seq.

U.S. Department of Health and Human Services

U.S Census Bureau

### **20 CAR § 430-201. Definitions.**

The following terms are defined by the United States Bureau of the Census, United States Department of Health and Human Services, and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as amended:

(1) "Age seventy-five (75)" means an individual who turns seventy-five (75) years of age as of the census date of April 1;

(2) "Age sixty (60)" means an individual who turns sixty (60) years of age as of the census date of April 1;

(3) "Low income" means an individual whose income within the past twelve (12) months is below the poverty thresholds set by the United States Department of Health and Human Services;

(4) "Low-income minority" means an individual who identifies with one (1) of the four (4) minority groups as listed below and whose income within the past twelve (12) months is below the poverty thresholds set by the United States Department of Health and Human Services;

(5)(A) "Minority" means the smaller part of a group within a country or state that differs in race, religion, or national origin from the dominant group.

(B) According to the Equal Employment Opportunity Commission guidelines, the term "minority" means four (4) particular groups who share a race, color, or national origin.

(C) These groups are:

(i)(a) American Indian or Alaskan Native.

(b) A person having origins in any of the original peoples of North America and who maintain their culture through a tribe and community;

(ii)(a) Asian or Pacific Islander.

(b) A person having origins in any of the original people of the Far East, Southeast Asia, India, or the Pacific Islands.

(c) These areas include, for example, China, India, Korea, the Philippine Islands, and Samoa;

(iii)(a) Black (except Hispanic).

(b) A person having origins in any of the black racial groups of Africa; and

(iv)(a) Hispanic.

(b) A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race; and

(6) "Rural" means a territory, population, and housing units not classified as urban.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-19"

**20 CAR § 430-202. Generally.**

(a) The Department of Human Services will implement an intrastate funding formula for the equitable distribution of Title III funds to area agencies on aging to comply with Older Americans Act, 42 U.S.C. § 3001 et seq., regulations.

(b) The department will apply the same methodology to the distribution of other funds intended for statewide distribution on an equitable basis, including without limitation:

- (1) Social Services Block Grant;
- (2) Advocacy assistance;
- (3) Nursing home alternatives;
- (4) Older workers;
- (5) Case management; and
- (6) State discretionary programs.

(c) The purpose of the intrastate funding formula is to reach older Arkansans with the greatest economic and social needs by using a fair and objective allocation methodology.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-203. Allocation methodology.**

The intrastate funding formula for area agencies on aging will be allocated as follows:

- (1) Each of the eight (8) area agencies on aging will receive a base percentage of one percent 1% from each funding source before the funding formula is applied; and
- (2) Of the remainder:
  - (A) Thirty-five percent (35%) will be distributed based on each region's proportion of Arkansans age sixty (60) and older;
  - (B) Twenty-five percent (25%) will be distributed based on each region's proportion of low-income Arkansans age sixty (60) and older;
  - (C) Twenty percent (20%) will be distributed based on each region's proportion of low-income minority Arkansans age sixty (60) and older;
  - (D) Fifteen percent (15%) will be distributed based on each region's proportion of rural Arkansans age sixty (60) and older; and

(E) Five percent (5%) will be distributed based on each region's proportion of Arkansans age seventy-five (75) and older.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-19"

**20 CAR § 430-204. Updates.**

The Department of Human Services will revise and update the area agencies on aging allocations annually as relevant demographic information becomes available and is provided by the United States Bureau of the Census.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-19"

**Subpart 3. Management Information System**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority  
Older Americans Act Law and Regulations  
Arkansas Code Ann. 25-10-101 et.seq."

"Effective Date: 1/1/92"

**20 CAR § 430-301. Purpose.**

The purpose of this subpart is to protect the integrity of the data collected by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-302. Scope.**

This subpart applies to all Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services:

- (1) Grantees;
- (2) Contractors; and
- (3) Subcontractors.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-303. Policy statement.**

(a) All grantees, contractors, and subcontractors of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services will participate in the Aging Management Information System (MIS).

(b) Services provided will be reported on the MIS system and related forms using the service and unit definitions established by the division.

(c) Any revisions in the service and unit definitions or the MIS forms must be approved and distributed by the division MIS Coordinator.

**Authority.** Arkansas Code § 25-10-129.

**Subpart 4. Senior Arkansans Hall of Fame**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "5-1-13"

"112.001 General Authority 5-1-13  
Arkansas Legislature, Act 1218 of 1991"

**20 CAR § 430-401. Generally.**

(a) The Senior Arkansans Hall of Fame was created by the 78th General Assembly to honor the significant contributions of older Arkansans.

(b) As stipulated in Acts 1991, No. 1218, the Senior Arkansans Hall of Fame is administered by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-402. Purpose.**

The purpose of this subpart is to honor the significant contributions of older Arkansans.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-403. Definitions.**

As used in this subpart:

(1) "Citizen of the State of Arkansas" means an individual must be a legal resident of the State of Arkansas at the time of nomination;

(2) "Nominee" means an individual that has been nominated for consideration of their selection and induction into the Senior Arkansans Hall of Fame; and

(3) "Senior" means an individual who has attained age sixty (60) or older at the time of nomination.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "5-1-13"

**20 CAR § 430-404. Eligibility requirements.**

(a) To be considered for selection to the Senior Arkansans Hall of Fame, nominees shall:

- (1) Be a citizen of the State of Arkansas;
- (2) Be at least sixty (60) years of age or older at the time of nomination; and
- (3) Have performed outstanding contributions or services, which have promoted, enhanced, and enriched the quality of life for citizens of Arkansas, especially senior Arkansans.

(b) **Posthumous nominations.** Notwithstanding the foregoing, one (1) posthumous nomination may be selected by an area agency on aging selection committee per service area if:

- (1) A spouse, sibling, child, or grandchild of the nominee agrees to accept the nomination on behalf of the deceased nominee; and
- (2) Information concerning the nominee's outstanding contributions or services can be properly verified.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "5-1-13"

**20 CAR § 430-405. Policies and procedures.**

(a) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall:

- (1) In consultation with the Governor's Advisory Council on Aging, create nomination forms to be distributed to the area agencies on aging, Arkansas senior centers, alumni of the Silver-Haired Legislative Session, the Governor's Advisory Council

on Aging, members of the General Assembly, and the general public through the division's website;

(2) Issue appropriate press release announcements of the Senior Arkansans Hall of Fame nominations and induction ceremony, including the announcements through the inductees' local newspapers; and

(3) Determine and publish deadlines for submission of completed nomination forms to the area agencies on aging.

(b) The area agency on aging shall:

(1) Accept nominations of seniors residing in the geographic area served by the area agency on aging;

(2) Form a selection committee to determine no more than three (3) nominees to forward to the division; and

(3) Verify all information contained within the nomination form prior to their selection of candidates and submission to the division.

(c) **Final selection committee.**

(1) In consultation with the Governor's Advisory Council on Aging, the division shall create scoring sheets.

(2) The nomination forms and scoring sheets shall be forwarded to a final selection committee for scoring.

(3) Upon receipt of the final selection committee's returned score sheet, the division will tabulate scores.

(4) Nominees with the three (3) highest combined total scores will be inducted into the Senior Arkansans Hall of Fame.

(5) In the event of a tie score, nominees within the three (3) highest combined total scores will be inducted into the Senior Arkansans Hall of Fame.

(d)(1) The final selection committee, when possible, will include:

(A) A member of the Senate Committee on Public Health, Welfare, and Labor;

(B) A member of the House Committee on Aging, Children and Youth, Legislative and Military Affairs;

(C) Executive members of the Governor's Advisory Council on Aging;  
(D) President or designee of the Arkansas Gerontological Society; and  
(E) The Director of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or the director's designee.

(2) In the event the final selection committee fails to secure at least three (3) of the foregoing persons, the division, in consultation with the Governor's Advisory Council on Aging, will invite appropriate representatives of governmental or community entities within the aging network to be a member of the final selection committee.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "5-1-13"

**20 CAR § 430-406. Induction ceremony.**

(a)(1) In consultation with the Governor's Advisory Council on Aging, the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services will determine the date, time, and location of an induction ceremony.

(2) Whenever possible, the induction ceremony shall be held in May to coincide with Older American's Month.

(b)(1) The division shall provide individual plaques and certificates of appreciation to the inductees.

(2) The division shall provide certificates of appreciation to all nominees.

(c) A perpetual plaque containing the names of all inductees into the Senior Arkansans Hall of Fame will be maintained at the office of the Governor and at the division central office.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "5-1-13"

### **Subpart 5. Title III Direct Services upon Approval of the Division**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority  
Older Americans Act of 1965, as amended Section 307(a)(10)  
DAAS Policy and Procedures."

"Effective Date 1/01/90  
Revision Effective 9/1/94"

#### **20 CAR § 430-501. Purpose.**

The purpose of this subpart is to specify when an area agency on aging may receive approval from the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to provide direct services under Title III of the Older Americans Act, 42 U.S.C. § 3021 et seq.

**Authority.** Arkansas Code § 25-10-129.

#### **20 CAR § 430-502. Scope.**

This subpart applies to all area agencies on aging.

**Authority.** Arkansas Code § 25-10-129.

#### **20 CAR § 430-503. Policy statement.**

In accordance with federal law, no Title III supportive services, nutrition services, or in-home services (as defined in Section 342(1) [repealed] of the Older Americans Act) will be directly provided by an area agency on aging except where, in the judgment of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, provision of such services by an area agency on aging is necessary to ensure an adequate supply of such services, or where such services are directly related to an area agency on aging's administrative functions, or where such services of comparable quality can be provided more economically by an area agency on aging.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** Section 342(1) of the Older Americans Act, codified at 42 U.S.C. § 3030i, was repealed by Pub. L. No. 106-501.

### **Subpart 6. Title III Direct Services Funded by the Older Americans Act**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority  
Older Americans Act of 1965, as amended § 307 (a)(10)  
DAAS Policy and Procedures."

"Effective Date 1/01/90"

"Scope  
This policy applies to all Area Agencies on Aging."

### **20 CAR § 430-601. Purpose.**

The purpose of this subpart is to prohibit the provision of direct services by area agencies on aging without permission of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-602. Scope.**

This subpart applies to all area agencies on aging providing services funded by the Older Americans Act, 42 U.S.C. § 3001 et seq.

**20 CAR 430-603. Policy statement.**

(a) For services funded by Title III of the Older Americans Act, 42 U.S.C. § 3021 et seq., area agencies on aging must, with the exception of ombudsman services, contract with service providers to provide services.

(b) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services may approve exceptions for the situations listed below:

(1) Where provisions of such services by an area agency on aging is necessary to ensure an adequate supply of such services;

(2) Where such services are directly related to such area agency on aging's administrative functions; or

(3) Where such services of comparable quality care can be provided more economically by an area agency on aging.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-604. Definitions.**

As used in this subpart:

(1) "Adequate supply" means there is sufficient supply of services available to meet the need for services;

(2) "Direct services" means activity to provide services directly to an older person by the staff of an area agency on aging;

(3) "Economically" refers to the capacity of the service provider to provide the services in the most cost-efficient manner;

(4) "Effectively" refers to the capacity of the service provider to provide services needed to meet the need in the PSA; and

(5) "Service provider" means an entity that is awarded a contract from an area agency on aging to provide service under the area plan.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "PSA" means public service area.

**20 CAR § 430-605. Procedural requirements.**

(a)(1) Area agencies on aging must award contracts to service providers for the provision of Title III services.

(2) The Ombudsman Program is the only program that is exempt.

(b) Direct services shall not be provided by the area agency on aging without permission from the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(c) Area agencies on aging requesting to provide direct services must meet the following criteria:

(1) An area agency on aging must demonstrate that it has actively encouraged direct service providers in the PSA to apply for funding;

(2) An area agency on aging must document that attempts have been made to develop and encourage the establishment of service providers in the PSA if there is a limited number as determined by the division in the area; and

(3) Area agencies on aging must provide justification for the request to provide direct services which will include all or part of the following:

(A) That the services and/or components are not duplicated by an existing agency;

(B) That there is no conflict of interest in the provision of direct services by the area agency on aging;

(C) That the area agency on aging can demonstrate that it can provide the services more economically and effectively than any other provider in the area;

(D) That the area agency on aging can ensure that the direct provision of services will not jeopardize the area agency on aging's ability to perform its other responsibilities;

(E) That the area agency on aging can demonstrate it is in the best interest of older individuals in the area that the service be provided directly; and

(F) That the area agency on aging can demonstrate that provision of services is necessary to ensure that an adequate supply of services is available.

(d)(1) Area agencies on aging must meet the criteria above to request permission to provide direct services.

(2) However, meeting these conditions will not guarantee the approval of the request by the division.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "PSA" means public service area.

**20 CAR § 430-606. Procedures for requesting permission to provide direct services.**

(a) The request to provide direct services is due when the area plan is due.

(b) The request must be accompanied by a copy of the request for proposals (RFP) for the service or services being sought with proof of publication and distribution.

(c) The request must include the justification for the request to provide direct services as documented under the provisions in 20 CAR § 430-605(c).

(d)(1) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services will provide approval or disapproval to the area agency on aging within thirty (30) days of the request.

(2) Any appeal shall be heard by a Department of Human Services Fair Hearing Officer.

(e)(1) Approval for the direct provision of services by the area agency on aging will be valid for not more than a one-year period.

(2) During the year, the area agency on aging must aggressively attempt to develop the capacity of a local service provider agency or agencies to perform the service.

(3) If the area agency on aging fails to comply with this requirement, the state will withhold funding and/or develop providers for the area.

(f)(1) The method proposed by the area agency on aging to provide direct services must be fully and completely explained and justified in the area plan.

(2) Documentation as specified in 20 CAR § 430-605(c) must be included in the area plan.

(3) Letters of support from service providers in the area which document that they are unable and/or unwilling to provide services published in the RFP must be included.

(4) The area plan must include a detailed budget for direct services and identify the number of staff and positions required to provide the services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-607. Emergency provision of services.**

(a)(1) Area agencies on aging must notify the Director of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services immediately and in writing if or when the subcontractor determines that the provision of services will be discontinued and/or interrupted.

(2) The notification should include the following:

(A) A copy of the letter from the subcontractor notifying the area agency on aging of its intent to discontinue or interrupt service provision; and

(B) A copy of the letter from the area agency on aging to the subcontractor acknowledging receipt of the notification and the procedure that is to be followed in discontinuing the service.

(b)(1) The area agency on aging must provide a plan of how services will be provided and request permission to provide direct services if another service provider cannot be located.

(2) The plan must include:

(A)(i) A timetable covering the period of time the area agency on aging expects to provide services.

(ii) The timetable shall not extend beyond the expiration date of the current area plan budgets; and

(B) The procedures that will be followed in attempting to locate and/or develop another service provider.

(c)(1) The area agency on aging must amend the area plan to include the request to provide direct services along with a budget and identification of services that will be provided directly.

(2) The area agency on aging must revise the area plan to include:

(A) The proposed area agency on aging service plan and schedule for performing the direct service;

(B) The area agency on aging staffing structure which reflects who will assume responsibility within the area agency on aging for direct service delivery;

(C) A complete budget amendment request which provides the estimated units of service to be provided and unit costs; and

(D) Specific assurances which cover the provision of direct services.

**Authority.** Arkansas Code § 25-10-129.

## **Subpart 7. State Direct Services**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "Effective Date 1/01/90"

**20 CAR § 430-701. Scope.**

This subpart applies to all area agencies on aging providing services funded by Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services general and special state revenues.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-702. Definitions.**

As used in this subpart:

(1) "Adequate supply" means there is sufficient supply of services available to meet the need for services;

(2) "Direct services" means activity to provide services directly to an older person by the staff of an area agency on aging;

(3) "Economically" refers to the capacity of the service provider to provide the service in the most cost-efficient manner;

(4) "Effectively" refers to the capacity of the service provider to provide services needed to meet the need in the PSA; and

(5) "Service provider" means an entity that is awarded a contract from an area agency on aging to provide services under the area plan.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "PSA" means public service area.

**20 CAR § 430-703. Procedural requirements.**

(a)(1) Area agencies on aging must award a contract to service providers for the provision of services funded with Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services general and special state revenues.

(2) The programs listed below are exempt from this policy:

(A) Access/advocacy programs including:

- (i) Information and referral;
- (ii) Case management assessments;
- (iii) Outreach; and
- (iv) Ombudsman;

(B) Senior employment programs; and

(C) Volunteer programs.

(b) Direct services shall not be provided by the area agency on aging without permission from the division.

(c) Area agencies on aging requesting to provide direct services must meet the following criteria:

(1) The area agency on aging must demonstrate that it has actively encouraged direct service providers in the PSA to apply for funding;

(2) The area agency on aging must document that attempts have been made to develop and encourage the establishment of service providers in the PSA if there is a limited number as determined by the division in the area; and

(3) The area agency on aging must provide justification for the request to provide direct services which will include the following:

(A) That the services and/or components are not duplicated by an existing agency;

(B) That there is no conflict of interest in the provision of direct services by the area agency on aging;

(C) That the area agency on aging can demonstrate that it can provide the services more economically and effectively than any other provider in the area;

(D) That the area agency on aging can ensure that the direct provision of services will not jeopardize the area agency on aging's ability to perform its other responsibilities;

(E) That the area agency on aging can demonstrate it is in the best interest of older individuals in the area that the service be provided directly; and

(F) That the area agency on aging can demonstrate that direct provision of services is necessary to ensure that an adequate supply of services is available.

(d)(1) Area agencies on aging must meet the criteria above to request permission to provide direct services.

(2) However, meeting these conditions will not guarantee the approval of the request by the division.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "PSA" means public service area.

**20 CAR § 430-704. Procedures for requesting permission to provide direct services — Criteria.**

(a) Area agencies on aging requesting to provide direct services must meet the following criteria:

(1) The area agency on aging must demonstrate that it has actively encouraged direct service providers in the PSA to apply for funding;

(2) The area agency on aging must document that attempts have been made to develop and encourage the establishment of service providers in the PSA if there is a limited number as determined by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services in the area; and

(3) The area agency on aging must provide justification for the request to provide direct services which will include the following:

(A) That the services and/or components are not duplicated by an existing agency;

(B) That there is no conflict of interest in the provision of direct services by the area agency on aging;

(C) That the area agency on aging can demonstrate that it can provide the services more economically and effectively than any other provider in the area;

(D) That the area agency on aging can ensure that the direct provision of services will not jeopardize the area agency on aging's ability to perform its other responsibilities;

(E) That the area agency on aging can demonstrate it is in the best interest of older individuals in the area that the service be provided directly; and

(F) That the area agency on aging can demonstrate that direct provision of services is necessary to ensure that an adequate supply of services is available.

(b)(1) Area agencies on aging must meet the criteria above to request permission to provide direct services.

(2) However, meeting these conditions will not guarantee the approval of the request by the division.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "PSA" means public service area.

**20 CAR § 430-705. Procedures for requesting permission to provide direct services — Approval or disapproval.**

(a) The request to provide direct services is due when the area plan is due.

(b) The request must be accompanied by a copy of the request for proposals (RFP) for the service or services being sought with proof of publication and distribution.

(c) The request must include the justification for the request to provide direct services as documented under the provision in 20 CAR § 430-703(c).

(d)(1) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services will provide approval or disapproval to the area agency on aging within thirty (30) days of the request.

(2) Any appeal shall be heard by a Department of Human Services Fair Hearing Officer.

(e)(1) Approval for the direct provision of service by the area agency on aging will be valid for not more than a one-year period.

(2) During the year, the area agency on aging must aggressively attempt to develop the capacity of a local service provider agency or agencies to perform the service.

(3) If the area agency on aging fails to comply with this requirement, the state will withhold funding and/or develop providers for the area.

(f)(1) The method proposed by the area agency on aging to provide direct services must be fully and completely explained and justified in the area plan.

(2) Documentation as specified in 20 CAR § 430-703(c) must be included in the area plan.

(3) Letters of support from service providers in the area which document that they are unable and/or unwilling to provide services published in the RFP must be included.

(4) The area plan must include a detailed budget for direct services and identify the number of staff and positions required to provide the services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-706. Emergency provision of services.**

(a)(1) Area agencies on aging must notify the Director of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services immediately and in writing if or when the subcontractor determines that the provision of services will be discontinued and/or interrupted.

(2) The notification should include the following:

(A) A copy of the letter from the subcontractor notifying the area agency on aging of its intent to discontinue or interrupt service provision; and

(B) A copy of the letter from the area agency on aging to the subcontractor acknowledging receipt of the notification and the procedure that is to be followed in discontinuing the service.

(b)(1) The area agency on aging must provide a plan of how services will be provided and request permission to provide direct services if another service provider cannot be located.

(2) The plan must include:

(A)(i) A timetable covering the period of time the area agency on aging expects to provide services.

(ii) The timetable should not extend beyond the expiration date of the current area plan budgets; and

(B) The procedures that will be followed in attempting to locate and/or develop another service provider.

(c)(1) The area agency on aging must amend the area plan to include the request to provide direct services, along with a budget and identification of services that will be provided directly.

(2) The area agency on aging must revise the area plan to include:

(A) The proposed area agency on aging service plan and schedule for performing the direct service;

(B) The area agency on aging staffing structure which reflects who will assume responsibility within the area agency on aging for direct service delivery;

(C) A complete budget amendment request which provides the estimated units of service to be provided and unit costs; and

(D) Specific assurances which cover the provision of direct services.

**Authority.** Arkansas Code § 25-10-129.

## **Subpart 8. Area Agency on Aging Advisory Council**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority: Older Americans Act and Regulations."

"Effective Date 06/01/90"

**20 CAR § 430-801. Purpose.**

The purpose of this subpart is to further the area agency on aging's mission of developing and coordinating community-based systems of services for all older persons in the planning and service area.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-802. Scope.**

This subpart applies to all area agencies on aging in Arkansas.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-803. Policy statement.**

(a) The area agency on aging in each planning and service area must establish an advisory council to advise the area agency on aging on all matters relating to:

- (1) The development of the area plan;
- (2) The administration of the plan; and
- (3) Operations conducted under the plan.

(b) The composition of the advisory council must comply with Older Americans Act, 42 U.S.C. § 3001 et seq., requirements.

**Authority.** Arkansas Code § 25-10-129.

## **Subpart 9. Title III Priority Services**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General: The Older Americans Act (306 a.2)."

"Effective Date 1/1/92"

### **20 CAR § 430-901. Purpose.**

The purpose of this subpart is to ensure that an adequate proportion of Title III B funds are used for priority services.

**Authority.** Arkansas Code § 25-10-129.

### **20 CAR § 430-902. Scope.**

This subpart is to be used by all area agencies on aging in Arkansas.

**Authority.** Arkansas Code § 25-10-129.

### **20 CAR § 430-903. Policy statement.**

(a) Each area agency on aging will spend the required percentage of Older Americans Act, 42 U.S.C. § 3001 et seq., funds on the following programs:

- (1) Access;
- (2) In-home services;
- (3) Legal assistance; and
- (4) Ombudsman.

(b) The requirement is fifty percent (50%) of the Title III B allotment.

**Authority.** Arkansas Code § 25-10-129.

## **Subpart 10. Minimum Assurances for Subcontractors**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Scope

All AAAs and subcontractors/grantees."

"General Authority

Older Americans Act of 1965, as amended in 1987 (45 CFR Part 74)

### **20 CAR § 430-1001. Purpose.**

The purpose of this subpart is to ensure that all area agencies on aging and their subcontractors understand that compliance with the required assurances is a condition for receipt of funds from an area agency on aging.

**Authority.** Arkansas Code § 25-10-129.

### **20 CAR § 430-1002. Scope.**

This subpart will be used by all subcontractors/grantees of each of the area agencies on aging.

**Authority.** Arkansas Code § 25-10-129.

### **20 CAR § 430-1003. Definitions.**

As used in this subpart:

(1) "Contract" means the document outlining the agreement for services between an area agency on aging and a subcontractor, as defined in subdivision (2) of this section; and

(2) "Subcontractor" means any recipient of state or federal funds by grant, reimbursement, or any other means from an area agency on aging.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1004. Policy statement.**

All service contracts between the area agencies on aging and subcontractors will contain at least the assurances developed by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services as outlined in this part.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1005. Procedural requirements.**

(a) All contracts with each area agency on aging must contain all of the assurances listed in Appendix I of this subpart.

(b) If any of the items contained in the minimum assurances do not apply to a particular contract, the area agency on aging will list these items on a separate sheet which will be signed by the principal official of the contracting agency and the executive director of the area agency on aging, and will be attached to each copy of the contract.

(c) The principal official of the contracting agency must sign each page of the required assurances.

(d) The area agency on aging may add further assurances or conditions to the contract as it deems necessary.

(e) The effective period of the assurances will be the same as that of the contract, but not exceed a twelve-month period.

(f) Each area agency on aging will retain the current assurance pages on file at the area agency on aging office for inspection by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

**Authority.** Arkansas Code § 25-10-129.

## **Subpart 11. Outreach**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority

Older Americans Act of 1965, as amended

45 CFR Part 1321"

"Effective Date February 23, 1990"

### **20 CAR § 430-1101. Purpose.**

(a) The purpose of this subpart is to ensure that each area agency on aging and subcontractor provides services to low-income minority individuals in at least the same proportion as the population of low-income minority in the area.

(b) Preference must be given to providing services to older individuals with the greatest economic or social need.

**Authority.** Arkansas Code § 25-10-129.

### **20 CAR § 430-1102. Scope.**

This subpart applies to area agencies on aging and subcontractors.

**Authority.** Arkansas Code § 25-10-129.

### **20 CAR § 430-1103. Policy statement.**

(a) The area agencies on aging and subcontractors must have effective procedures which result in the identification of older individuals eligible for services funded by the

Older Americans Act, 42 U.S.C. § 3001 et seq., and which informs such individuals of the availability of assistance.

(b) Particular emphasis must be placed upon individuals with the greatest economic and social need (with particular attention to low-income minority individuals), individuals who reside in rural areas, and individuals with severe disabilities.

**Authority.** Arkansas Code § 25-10-129.

## **Subpart 12. Nutrition**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "12-1-2016"

"206.001 General Authority 1-1-96

The Older Americans Act of 1965, as amended· 45 CFR 1321

Social Services Block Grant-CSPP

Rules and Regulations Pertaining to Food Service Establishments, Arkansas State Health Department

Arkansas Code Annotated § 25-10-101 et seq."

### **20 CAR § 430-1201. Generally.**

(a)(1) Each area agency on aging shall, through a comprehensive and coordinated system, provide for nutrition services to older Arkansans in their planning and service area, with particular attention to target groups identified by the Older Americans Act, 42 U.S.C. § 3001 et seq.

(2) Nutrition services must include, but are not limited to, congregate and home-delivered meals which meet Older Americans Act and Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services requirements and which may also include:

(A) Special diets where feasible;

(B) Nutrition screening and nutrition education for participants;

(C) In-service training, including food preparation and nutrition, for both paid and volunteer workers; and

(D) Outreach.

(3) Nutrition assessment and counseling are also to be provided when appropriate and feasible.

(b) The area agencies on aging will incorporate the provisions of this subpart and accompanying procedures into their policies and procedures, provide training on these provisions to nutrition service staff, monitor compliance with the policy and procedures, and provide appropriate technical assistance to subcontractors in meeting this and other division, Older Americans Act, and area agency on aging requirements.

(c) To ensure that older Arkansans, particularly those in target groups identified by the Older Americans Act, have access to low-cost, nutritionally sound meals served in strategically located centers such as schools, churches, community centers, senior centers, and other public or private facilities where they can obtain other social and rehabilitative services.

(d) The Nutrition Services Program seeks:

(1) To reduce hunger and food insecurity;

(2) To promote socialization of older individuals; and

(3) To promote the health and well-being of older individuals by assisting such individuals to gain access to nutrition and other disease prevention and health promotion services to delay the onset of adverse health conditions resulting from poor nutritional health or sedentary behavior.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1202. Definitions.**

As used in this subpart:

(1)(A) "Acceptable macronutrient distribution range (AMDR)" means the range of intake for a particular energy source that is associated with reduced risk of chronic disease while providing intakes of essential nutrients.

(B) If an individual consumes in excess of the AMDR, there is a potential of increasing the risk of chronic diseases and/or insufficient intakes of essential nutrients;

(2)(A) "Activities of daily living" means tasks performed regularly, daily, or multiple times daily which are necessary for self-care and/or independent living (eating, dressing, bathing, toileting, and transferring in and out of bed).

(B) See also "instrumental activities of daily living";

(3)(A) "Adequate intake (AI)" means the recommended average daily nutrient intake level based on observed or experimentally determined approximations or estimates of mean nutrient intake by a group or groups of apparently healthy people.

(B) The AI is used when the estimated average requirement cannot be determined;

(4)(A) "Assistive technology" means technology, engineering methods, or scientific principles appropriate to meet the needs of, and address barriers confronted by, persons with functional limitations.

(B) Nutrition-related examples: devices that allow such persons to feed themselves or prepare their own meal or the devices or processes used to modify food to allow a person to consume food by mouth;

(5)(A) "Certified dietary manager" means the designation used by persons who have completed a twelve-month to eighteen-month food service manager's course approved by the Association of Nutrition and Foodservice Professionals or have an associate's or bachelor's degree in a food-related field, and successfully completed a national registration exam.

(B) The course includes sections of training in nutrition and food service management;

(6) "Comprehensive and coordinated system" means an organized, interactive network for providing all necessary supportive services, including nutrition services to older individuals in the service area in a manner designed to:

(A) Facilitate access to and use of supportive services and nutrition services available from public or private agencies or organizations within the service area;

(B) Develop and make the most efficient use of such services and resources with minimum duplication in meeting the needs of older individuals; and

(C) Encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist the older individuals on a voluntary basis;

(7)(A) "Congregate meal" means a hot or other appropriate meal served to an eligible person at a congregate meal site.

(B) Meals comply with Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services Title III Nutrition Service Standards, and Dietary Guidelines for Americans, and provide a minimum of:

(i) Thirty-three and one-third percent (33 1/3%) of the DRIs if one (1) meal is served;

(ii) Sixty-six and two-thirds percent (66 2/3%) of the DRIs if two (2) meals are served; and

(iii) One hundred percent (100%) of the DRIs if three (3) meals are served, with the second and third meals balanced proportionally in calories and nutrients;

(8)(A) "Congregate meal site" means the generic name of a facility where meals are served in a group setting and comprehensive supportive services, including transport to the site, are provided to older adults.

(B) The facility is located as close to residences of the majority of eligible persons as feasible and may be a multipurpose senior center, school, church, or other appropriate community facility;

(9)(A) "Dietary Guidelines for Americans" means the recommended dietary practices for healthy Americans published jointly every five (5) years since 1980 by the United States Department of Health and Human Services and the United States Department of Agriculture.

(B) The guidelines provide authoritative advice for people two (2) years and older about how good dietary habits can promote health and reduce risk for major chronic diseases.

(C) They serve as the basis for federal food and nutrition education programs;

(10)(A) "Dietary reference intakes (DRIs)" means a set of nutrient-based reference values that expand upon and replace the former recommended dietary allowances (RDAs).

(B) They are actually a set of four (4) reference values:

(i) Estimated average requirements;

(ii) RDAs;

(iii) Adequate intake; and

(iv) Tolerable upper intake levels;

(11) "Disability" means a loss of functional capacity due to physical or mental impairment, or both, resulting in substantial functional limitations in one (1) or more of these areas of major life activity:

(A) Self-care;

(B) Receptive and expressive language;

(C) Learning;

(D) Mobility;

(E) Self-direction;

(F) Capacity to live independently;

(G) Economic self-sufficiency;

(H) Cognitive functioning; and

(I) Emotional adjustment;

(12)(A) "Disease prevention and health promotion services" means activities that:

- (i) Identify risk for, or presence of, disease or health problems;
- (ii) Encourage behaviors that reduce effects of, or prevent, chronic disabling conditions (mental or physical) or injuries; or
- (iii) Provide information on preventative health services available.

(B) Nutrition-related activities in this service include, but are not limited to:

- (i) Nutrition screening;
- (ii) Nutrition assessment;
- (iii) Nutrition counseling;
- (iv) Nutrition education; and
- (v) Referral to other appropriate services;

(13) "Education and training services" means supportive services designed to assist older individuals to better cope with their economic, health, and personal needs through such services as consumer education, continuing education, preretirement education, financial planning, and other education and training services, which will advance the objectives of the Older Americans Act, 42 U.S.C. § 3001 et seq.;

(14) "Estimated average requirements" means the average daily nutrient intake level estimated to meet the requirement of half the healthy individuals in a particular life stage and gender group;

(15) "Food service vendor" means a restaurant, hospital, school, or commercial organization that contracts with an area agency on aging service provider to supply prepared meals, usually at a fixed price per meal, to the provider who contracts with the area agency on aging to provide nutrition and other services;

(16) "Frail", with respect to older individuals, means one who is determined to be functionally impaired because the individual:

(A) Is unable to perform two (2) or more activities of daily living without substantial human assistance, including:

- (i) Verbal reminders;

(ii) Physical cues; or

(iii) Supervision; or

(B) Due to cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to himself or herself or another individual;

(17) "Greatest economic need (poverty)" means the need resulting from an income at or below the poverty line established each year by the Office of Management and Budget, and adjusted by the United States Secretary of Health and Human Services in accordance with subsection 673(2) of the Community Services Block Grant Act (42 U.S.C. § 9902(2));

(18) "Greatest social need" means need caused by noneconomic factors including:

(A) Physical and mental disabilities;

(B) Language barriers; and

(C) Cultural, social, and geographical isolation, including isolation caused by racial or ethnic status which restricts the ability of the person to perform normal daily tasks or threatens a person's capacity to live independently;

(19)(A) "Homebound" means unable to leave the home without assistance, physical or mental, from another person.

(B) For nutrition services, the person is:

(i) Frail;

(ii) Homebound by reason of illness, incapacitation, or disability; or

(iii) Otherwise isolated;

(20)(A) "Home-delivered meal (HDM)" means a hot or other appropriate meal delivered to the residence of an eligible homebound person.

(B) Meals must follow the Dietary Guidelines for Americans, meet Title III and Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services Nutrition Service Standards, and contain:

(i) One-third (1/3) of the DRIs if one (1) meal is provided;

(ii) Sixty-six and two-thirds percent (66 2/3%) of the DRIs if two (2) meals are provided; and

(iii) One hundred percent (100%) of the DRIs if three (3) meals are provided.

(C) Second and third meals are proportionally balanced in calories and nutrients;

(21)(A) "Instrumental activities of daily living" means regularly performed tasks necessary for independent living (preparing meals, shopping for personal items, medication management, managing money, using a telephone, doing heavy housework, doing light housework, etc.).

(B) See also "activities of daily living", subdivision (2) of this section;

(22) "Menu cycle" means a preplanned written sequence of menus repeated over a specified timeframe;

(23)(A) "Nutrition assessment" means an in-depth evaluation of both objective and subjective data related to an individual's:

- (i) Food and nutrient intake;
- (ii) Lifestyle; and
- (iii) Medical history.

(B) Nutrition assessments are performed by registered dietitians to assess and evaluate individual nutritional status.

(C) The assessment leads to nutrition counseling or other nutrition intervention designed to help the individual either maintain the assessed status or attain a healthier status;

(24)(A) "Nutrition counseling" means individualized guidance to:

- (i) Individuals who are at nutritional risk because of their:
  - (a) Health or nutrition history;
  - (b) Dietary intake;
  - (c) Chronic illnesses; or
  - (d) Medication use; or
- (ii) Caregivers.

(B) Counseling is provided one-on-one by a registered dietician and addresses the options and methods for improving nutrition status;

(25) "Nutrition education" means a service or program that promotes better health by providing accurate and culturally sensitive nutrition, physical fitness, or health (as it relates to nutrition) information and instruction to participants and caregivers in a group or individual setting overseen by a registered dietitian or individual of comparable expertise;

(26) "Nutrition outreach" means an activity designed to seek out and identify, on an ongoing basis, the maximum number of the hard-to-reach, isolated, and withdrawn target group of eligible individuals throughout the program area, and to encourage them to make use of existing services and benefits;

(27)(A) "Nutrition screening" means the process of identifying individuals with multiple risk factors (easily identified characteristics known to be linked with increased likelihood of nutritional problems).

(B) This serves to identify individuals at nutritional risk;

(28)(A) "Nutrition services" must include, but is not limited to, the provision of congregate and home-delivered meals, nutrition education, nutrition screening, and nutrition outreach which meet the funding source, Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, and other applicable requirements.

(B) Services may also include special diets, nutrition assessment, and counseling if appropriate and feasible;

(29)(A) "Nutrition Services Incentive Program (NSIP)" means the program that provides supplemental funding for the Older Americans Act Nutrition Program to states, territories, and eligible tribal organizations to purchase domestic food only.

(B) This funding may not be used to pay for other nutrition-related services or state or local administrative costs.

(C) States may choose to receive the grant as:

(i) Cash;

(ii) Commodities from the United States Department of Agriculture; or

(iii) A combination of cash and commodities;

(30) "Older individual" means an individual age sixty (60) years or older;

(31)(A) "Project" means a provider of nutrition services for purposes of this subpart.

(B) The provider may contract with the area agency on aging to provide services at more than one (1) location;

(32) "Recommended dietary allowance (RDA)" means the dietary intake level that is sufficient to meet the nutrient requirement of nearly all (ninety-seven to ninety-eight percent (97% – 98%)) healthy individuals in a particular life stage and gender group;

(33)(A) "Registered dietitian (RD)" means an individual registered by the Commission on Dietetic Registration (CDR).

(B) CDR registration requires that the dietitian has:

(i) Completed at least a four-year course of study in a specified curriculum at a college or university accredited by the Accreditation Council for Education in Nutrition and Dietetics (ACEND);

(ii) Successfully completed an ACEND-accredited dietetic internship;

and

(iii) Passed the CDR national registration exam.

(C) Ongoing continuing education is required.

(D) In Arkansas, persons using the title of dietitian must be licensed;

(34) "Severe disability" means a major, chronic loss in functional capacity due to mental or physical impairment, or both, likely to continue indefinitely and causing substantial functional limitation in three (3) or more major life activities;

(35) "Special menu" means a meal plan that meets the particular dietary needs arising from health requirements, religious requirements, or ethnic backgrounds of eligible individuals (see also "therapeutic diet", subdivision (38) of this section);

(36) "Subcontractor" means a recipient of state or federal funds by grant, reimbursement, or other means from an area agency on aging in exchange for services specified by contract (area agency on aging service provider);

(37)(A) "Targeted group" means a segment of the population of the service area toward which services are directed.

(B) Nutrition services' target population is unserved older persons with the greatest economic and social need (including low-income minority individuals) and frail individuals likely to be at high nutritional risk;

(38)(A) "Therapeutic diet" means a diet designed to treat a specific health problem.

(B) A therapeutic diet requires a physician's diet prescription and must be written under supervision and/or consultation of a registered dietitian; and

(39)(A) "Tolerable upper intake level (UL)" means the highest average daily nutrient intake level likely to pose no risk of adverse health effects for nearly all individuals in a particular life stage and gender group.

(B) As intake increases above the UL, the potential risk of adverse health effects increases.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1203. Responsibilities.**

Each area agency on agency is responsible for:

(1) Determining the nutrition service needs of older individuals within its planning and service area with input from:

(A) Participants;

(B) Advisory boards;

(C) Providers; and

(D) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

(2) Evaluating the effectiveness and use of existing resources in meeting needs;

(3)(A) Developing a comprehensive and coordinated system that sets out specific objectives to provide needed services, maintain existing services, and plan new services based on results of needs assessment, including nutrition screening.

(B) The system must facilitate access to and use of services and make the most efficient use of resources, with minimum duplication;

(4) Coordinating with and assisting other agencies or groups in meeting the service needs of older individuals in the area;

(5) Entering into agreements with providers of nutrition services; and

(6) Reporting activities and outcomes as required.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

#### **20 CAR § 430-1204. Service levels.**

The area agency on aging and its providers shall not reduce from that approved in the area plan the level of service, days of service, nor open or close a site without prior, written Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services approval, except in weather-related emergencies and natural disasters.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

#### **20 CAR § 430-1205. Awarding contracts.**

(a)(1) Area agencies on aging will not provide services directly unless specifically authorized by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to do so (20 CAR § 430-501 et seq., Title III Direct Services upon Approval of Division).

(2) Nutrition services shall be provided through contracts with organizations which, when possible:

(A) Have demonstrated an ability to provide meals efficiently and reasonably;

(B) Will furnish assurances to the area agency on aging that they will maintain efforts to solicit voluntary support; and

(C) Will furnish assurances that Older Americans Act, 42 U.S.C. § 3001 et seq., funds will not be used to supplant funds from nonfederal sources.

(3) The area agency on aging will develop guidelines and provide technical assistance and training opportunities to assist subcontractors in meeting requirements.

(4) The area agency on aging will monitor for compliance with the Older Americans Act and division requirements and take appropriate action if noncompliance is found.

(b)(1) Each area agency on aging will use a request for proposals (RFP) as a guide for advertising and accepting bids for nutrition services.

(2) Contracts will be for one (1) year, with yearly renewal provisions for up to three (3) additional years, unless the area agency on aging is operating under a waiver.

(3) The subcontractor will adhere to all assurances as set forth in the RFP.

(4) The subcontractor will not enter into a subcontract with any caterer or food service operator for the provision of meals to the nutrition program without an onsite inspection by the area agency on aging and the written approval of the area agency on aging.

(5) Caterers are subject to the same requirements applicable to the contracted service and the same schedule of assessments as service providers.

(c) Requirements for area agencies on aging, home-delivered meal subcontractors, and congregate meal subcontractors:

(1) Provide adequate facilities and equipment to safely and effectively deliver quality services (see 20 CAR § 430-1213, physical facilities/equipment);

(2) Locate congregate meal sites, if feasible, within walking distance or as close as possible to the majority of eligible older persons;

(3) Provide transportation for congregate participants to the meal sites;

(4) As specified in the Older Americans Act, establish and administer the project with the advice of:

(A) Registered dietitians;

(B) Persons competent in the field of service in which the nutrition project is being provided;

(C) Older persons who will participate in the program; and

(D) Persons who are knowledgeable with regard to the needs of older individuals;

(5) Maintain adequate staffing to effectively deliver quality service in a safe and timely manner (see staffing guidelines);

(6)(A) Complete intake process for all participants to document eligibility and nutritional risk.

(B) Update documentation with congregate participants and reassess for continued need with HDM clients as specified in 20 CAR § 430-1211, congregate meals intake process;

(7) Maintain waiting lists of those who have applied for and were eligible for services but could not be served because of lack of resources;

(8)(A) Provide home-delivered meals and/or congregate meals at least once a day for five (5) or more days a week.

(B) Lesser frequency must be approved by the division as a part of the area agency on aging area plan.

(C) Proposals to provide home-delivered meals less frequently must include what provisions will be made for meals on days when meals are not delivered.

(D) Each meal must be approved by a registered dietitian and meet nutrition and food handling standards outlined in this subpart;

(9)(A) In regard to HDM, hot meals are preferred, but cold, frozen, dried, canned, or supplemental foods with a satisfactory shelf life may be used where appropriate and approved by the area agency on aging and the division.

(B) Persons who deliver the meals must actually see the participant or caregiver before leaving the meal (see 20 CAR § 430-1218, emergency procedures);

(10)(A) Provide special menus where feasible and appropriate to meet the particular dietary needs arising from the health requirements, religious requirements, or ethnic backgrounds of eligible persons (if provided, must meet criteria outlined in nutrition section).

(B) The provider may contract with the area agency on aging to provide other appropriate nutrition services;

(11) Make arrangements for food availability during weather-related emergencies, for example, tornado, extreme heat or cold, winter storms (see 20 CAR § 430-1218, emergency procedures);

(12) Comply with the Food and Drug Administration Food Code, United States Department of Health and Human Services, division (see 20 CAR § 430-1217, food service operations), and any Administration on Aging regulations regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals;

(13) Conduct nutrition education programs as outlined in 20 CAR § 430-1219, education;

(14) Document and report in a timely manner the unduplicated number of persons served, number of persons on waiting lists, number of meals, contributions, and other information requested by the area agency on aging and/or the division;

(15) Solicit, safeguard, and account for voluntary contributions as described in 20 CAR § 430-1206, contributions;

(16) Provide matching dollars and solicit volunteer support as required by the funding sources; and

(17) Establish ongoing nutrition outreach activities to ensure the maximum number of eligible persons have an opportunity to participate (see 20 CAR § 430-1207, outreach).

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1206. Contributions.**

(a) Eligible persons will not be denied a meal because they will not or cannot contribute to the cost of this service.

(b) All but Home and Community-Based Services Medicaid Waiver clients shall be given an opportunity to voluntarily contribute to the cost of this service.

(c) Subcontractors shall develop a suggested contribution schedule for participants, taking into account income ranges of eligible individuals in the community.

(d)(1) The provider shall establish a guest meal charge.

(2) The charge must be at least the total cost of providing the meal.

(e) The suggested contribution schedule and guest meal charge shall be posted in a conspicuous place.

(f)(1) Procedures must be established by subcontractors to protect each participant's privacy with respect to their contribution.

(2) HDM participants shall be provided with a blank or an agency addressed envelope that does not identify the participant.

(g) Area agencies on aging shall consult with service providers and older individuals about the best method for accepting contributions.

(h)(1) Procedures must be established by subcontractors for collecting, handling, safeguarding, depositing, and accounting for contributions.

(2) Contributions are to be counted and recorded daily by at least two (2) people, one (1) of whom is a program participant.

(3) Contributions shall be reported by the area agency on aging to the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(i) Nutrition program contributions shall be used to increase the number of meals (program expansion).

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1207. Outreach.**

(a) Area agencies on aging shall conduct and assist providers with outreach efforts which will identify unserved individuals eligible for assistance, with emphasis on older individuals:

- (1) Residing in rural areas;
- (2) With the greatest economic and social need (particularly minority individuals);
- (3) With severe disabilities;
- (4) With limited English speaking ability; or
- (5) With neurological and organic brain dysfunction.

(b) Projects shall establish a variety of outreach activities that ensure that the maximum number of eligible persons have an opportunity to participate.

(c) Outreach efforts shall comply with this section.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1208. Assessments.**

(a)(1) The area agency on aging shall conduct assessments of each subcontractor meal site at least once a year in accordance with 20 CAR § 430-1301 et seq., Area Agency on Aging Subcontractor Assessments.

(2) The area agency on aging shall take appropriate action and follow-up to be sure corrections are made when noncompliance is found.

(3)(A) A summary of findings and corrective actions must be sent to the provider within four (4) weeks.

(B) Risks to health and safety of participants must be immediately addressed when found.

(C) The providers must reply within four (4) weeks.

(4) The area agency on aging must follow up to ensure that corrections were made.

(5) Documentation of assessments and follow-up must be available for Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services review.

(b)(1) The division annual assessment of the area agency on aging shall include, but will not be limited to:

(A) A review of program records;

(B) Random on-site review of client records;

(C) Observation of meal service; and

(D) Inspection of subcontractor facilities and/or senior centers.

(2) Participant interviews for both home-delivered and congregate programs may also be conducted.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1209. Congregate meals eligibility.**

(a) The primary target group of the congregate meal program is eligible persons with the greatest economic or social needs, particularly low-income minority elderly and those who cannot afford to eat adequately or lack knowledge, skills, mobility, or motivation to obtain adequate food, or are otherwise at increased nutritional risk.

(b) A means test may not be used to determine eligibility for the Older Americans Act Nutrition Program, however, a means test may be applied to individuals who receive meals funded by sources which require a means test such as the Social Services Block Grant (SSBG).

(c) Individuals will be eligible to participate in congregate meal services in one (1) of the following two (2) categories:

(1) Any individual determined to be eligible and who will benefit nutritionally from a congregate meal, and is:

(A) A person sixty (60) or more years of age;

(B) The spouse of a sixty-plus (60+) program participant;

(C) An individual with a disability or disabilities, not yet age sixty (60), who resides in the home with and accompanies older persons eligible under the Older Americans Act, 42 U.S.C. § 3001 et seq., when the care and maintenance of the person with disabilities would otherwise prevent participation of the older person (see SSBG if SSBG client), and if participation of the person with disabilities will not prevent participation of older persons and their spouses;

(D) With area agency on aging approval, a person with a disability or disabilities, not yet age sixty (60), living in a housing facility designated as elderly housing which provides congregate nutrition services, if participation by the person with disabilities will not prevent the participation of older persons and their spouses;

(E) Persons age sixty (60) or more who meet Social Services Block Grant income, residence, and need for service criteria, if served by SSBG funds; or

(F) Individuals not yet age sixty (60), who provide meal-related volunteer services during meal hours, when participation does not prevent an older person and their spouse from participating; and

(2) Persons eligible to participate, but who must pay the full cost of the meal and may not be included in the number of meals reported for payment/reimbursement:

(A)(i) Staff members under age sixty (60) may consume a meal only when it will not deprive an eligible older person of an opportunity to receive a meal.

(ii) The provider may choose to provide staff meals at no cost or at reduced cost as a fringe benefit;

(B) Guests under age sixty (60) if it will not deprive older persons and their spouses of a meal; and

(C)(i) Older persons under the care of an agency/organization which is receiving reimbursement for their meal, e.g., nursing homes, adult daycare programs, residential care facilities, providing that the agency/organization pays the center the full cost of the meal, makes any required reservations, and provides attendant assistance, as needed.

(ii) Contributions may not be solicited and Older Americans Act reimbursement cannot be claimed.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1210. Home-delivered meals eligibility.**

(a)(1) Receipt of home-delivered meal service is based on a determination of need/continued need.

(2) The primary target group of the home-delivered meal program is homebound eligible persons with the greatest economic or social needs, which may increase nutritional risk.

(3) Special attention is given to low-income, minority elderly, and others who:

(A) Do not eat adequate and nutritious meals because they are incapacitated due to:

- (i) Accident, illness, or frailty;
- (ii) Inability to prepare meals due to their limited mobility, psychological impairment, or mental impairment;
- (iii) Inability to safely prepare meals; and/or
- (iv) Lack of knowledge to select and prepare nourishing and well-balanced meals; and

(B) Are without adequate resources such as family, friends, or other community services to provide them with meals.

(b) A means test may not be used to determine eligibility for the Older Americans Act Nutrition Program, however, a means test may be applied to individuals who receive meals funded by sources which require a means test such as the Social Services Block Grant (SSBG).

(c) Persons who have been determined to be eligible through assessment of need will benefit nutritionally from receiving a meal and are:

(1) Sixty (60) years and older, homebound (unable to leave the home without the assistance of another person), and have no one available to prepare the meal they will receive;

(2) A person who is:

(A) Frail;

(B) Homebound by reason of illness, incapacitation, or disability; or

(C) Otherwise isolated;

(3) The spouse of a sixty-plus (60+) homebound participant if, by criteria developed by the area agency on aging or subcontractor, providing a meal is in the best interest of the homebound participant;

(4) A person with disabilities under age sixty (60) who resides with an eligible participant is unable to prepare nutritious meals and is in the home during the hours of meal service, with area agency on aging approval; or

(5) Sixty (60) years or older and who meets SSBG income, service need, and residence requirements, if served with SSBG funds.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1211. Congregate meals participant intake process.**

The following process must be completed for each participant:

(1)(A) The participant or caregiver must be interviewed by the:

- (i) Outreach worker;
- (ii) Case manager; or
- (iii) Site director or trained designee;

(B) The interview must include an explanation of all aspects of the program participation, including the opportunity to contribute to the cost of the meal, emergency procedures, and availability of other services, if needed;

(2) A client intake form or consumer registration form must be completed;

(3) Nutrition screening must be completed (may use Determine Your Nutritional Health Checklist); and

(4) The intake information must be reviewed and updated annually.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1212. Home-delivered meals participant intake process.**

(a) Receipt of home-delivered meal service is based on a determination of need or continued need.

(b) For each participant, prior to billing for the service, an outreach worker, case manager, or site director shall make a home visit in order to:

(1) Complete and place in participant's file client intake forms, including an HDM needs assessment, which contains:

(A) A determination of why the service is needed, nature and degree of illness, disability, isolation, or nutrition risk, with a statement that the client is homebound (unable to leave the home without the assistance of another person);

(B) Nutrition screening (may use Determine Your Nutritional Health Checklist);

(C) A description of special needs;

(D) A summary of any hearing, chewing, swallowing, vision, and/or mobility problems;

(E) A description of other support available to the participant, such as SNAP benefits;

(F) Emergency contact information;

(G) The estimated length of time service will be needed;

(H) Whether other services may be needed; and

(I) Date of the next reassessment of need for the service;

(2) Discuss program participation, including:

(A)(i) The opportunity to contribute to the cost of the meal.

(ii) Contributions cannot be solicited or accepted from Home and Community-Based Services Medicaid Waiver clients;

(B) Eligibility requirements and limited funding may permit serving only those in greatest need;

(C) How to safely handle the meals after delivery; and

(D) Emergency meal procedures; and

(3)(A) Perform a reassessment home visit and interview to document continued need at least annually, and more often if the participant's needs may be short-term.

(B) The goal is for the participant to attend the congregate site, if able, to benefit from socialization and physical activity.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1213. Physical facilities/equipment.**

(a) Each meal provider must secure and maintain adequate facilities and equipment for safe, sanitary, and efficient preparation, service, and delivery of meals.

(b) They must meet at least the following applicable requirements related to physical facilities and equipment:

(1) Locate facility, if feasible, within walking distance or as close as possible to the majority of eligible persons;

(2) Make the facility available for the hours and days specified in the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services approved area plan;

(3) Provide a facility adequate in size to comfortably accommodate meal service and activities for the usual number of persons served, and to allow safe and sanitary preparation, service, and storage of food (see local fire code and Department of Health rules);

(4) Provide buildings that have adequate heating, ventilation, and cooling systems, screened (if applicable) doors and windows, adequate lighting, and well-marked, accessible exits with easy to open doors (see Americans with Disabilities Act and Section 504);

(5)(A) Provide facilities that meet all federal, state, and local fire, building accessibility, sanitation, and safety codes.

(B) The subcontractor shall arrange for all applicable health, fire, safety, and sanitation inspections and post permits;

(6) Provide accessible restrooms with:

(A) Adequate number of toilets and sinks for the usual number served;

(B) Hot and cold running water;

- (C) Soap dispenser;
- (D) Disposable towels; and
- (E) Covered waste can;

(7)(A) Provide the appropriate facility and equipment to prepare menus as written, transport meals, and maintain proper food temperatures and sanitation during transport and holding.

(B) Equipment used for transport must be compatible with the packaging materials used in order to maintain:

- (i) Nutritional quality;
- (ii) Palatability; and
- (iii) Food safety;

(8) Provide adequate equipment and space for cleaning, sanitizing, and storing dishes, flatware, and pans;

(9) Provide adequate hand washing facilities, storage space for food, and adequate janitorial facilities, separate if possible (see Department of Health rules);

(10) Provide adequate number and sizes of serving utensils to ensure uniform servings that meet the required one-third (1/3) DRI as indicated on approved menus;

(11) Provide adequate tables and chairs to comfortably accommodate participants, including aisle space to allow for walkers and wheelchairs;

(12) Provide adequate tableware and flatware in good condition to serve all participants;

(13) Make special provisions, as appropriate, for the service of meals to persons with disabilities and persons with limited mobility, including appropriate food containers and/or utensils; and

(14) Provide a bulletin board placed in a conspicuous location on which the following are posted:

- (A) Notice of the right of eligible persons to equal access to services;
- (B) The full cost of the meal to be paid by guests under age sixty (60);
- (C) Suggested contribution for eligible participants;

(D) Sign with information on how to apply for SNAP benefits (formerly food stamps);

(E) Menu for at least one (1) week;

(F) Emergency evacuation plan;

(G) Grievance procedure for participants;

(H) Toll-free information and assistance number;

(I) Department permit; and

(J) Other notices required by law.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

"SNAP" means Supplemental Nutrition Assistance Program.

The Americans with Disabilities Act is codified generally at 42 U.S.C. § 12101 et seq.

**20 CAR § 430-1214. Volunteers.**

(a) The use of volunteers is encouraged whenever possible.

(b) The Older Americans Act, 42 U.S.C. § 3001 et seq., requires that projects solicit the expertise of a dietitian or other individual with equivalent education in nutrition science, or if such an individual is not available, an individual with comparable expertise in the planning of nutritional services.

(c)(1) The area agency on aging shall employ, at least part-time, a designated nutrition program coordinator whose responsibilities include:

(A) Technical assistance to providers;

(B) Oversight of compliance to programmatic components of contract;

(C) Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services and federal requirements; and

(D) Day-to-day programmatic functions.

(2)(A) It is suggested that the program coordinator have management and supervisory experience.

(B) A background in foods, nutrition, and food service management is recommended.

(d)(1) The service provider must employ an adequate number of qualified personnel to ensure the satisfactory operation of the program.

(2) Project staffing must include:

(A) A qualified program director who has the ability and the responsibility to do the following in a professional manner:

(i) Perform daily management and administrative functions of the nutrition program and related support services, including:

(a) Reporting;

(b) Supervision;

(c) Coordination with community groups, providers of services to participants, and the area agency on aging;

(d) Managing program expenditures and income; and

(e) Advocating for older persons;

(ii) Coordinate, develop, and implement the nutrition program planning process;

(iii) Ensure services are provided in accordance with area agency on aging, division, and Older Americans Act provisions, and state and local codes; and

(iv) Conduct orientation and training for staff, volunteers, the advisory council, and/or the board appropriate to their functions;

(B)(i) Trained food preparation staff responsible for the actual cooking and/or serving of meals and associated cleaning tasks.

(ii) The number of foodservice personnel and work hours will depend on:

(a) The number and type of meals produced;

(b) The extent of use of convenience products; and

(c) Available equipment;

(C) Lead cook or kitchen manager (person overseeing the food preparation and service) must be a qualified person with a current ServSafe Food Managers Certification, an equivalent certification, or obtain certification within one (1) year of employment; and

(D) Other staff as required for serving and transporting food and performing necessary cleaning tasks.

(e) Orientation and training to be provided by the service provider:

(1)(A) Foodservice workers, both paid and volunteer, must complete an orientation prior to providing nutrition services.

(B) The orientation should be organized, documented, appropriate to the job, and must cover at least the following applicable areas:

- (i) Personal hygiene;
- (ii) Food storage, preparation, and service;
- (iii) Sanitation procedures;
- (iv) Portion control;
- (v) Quality control of:
  - (a) Food flavor;
  - (b) Consistency;
  - (c) Texture;
  - (d) Temperature; and
  - (e) Appearance;
- (vi) Policies and procedures;
- (vii) Job duties; and
- (viii) Program information;

(2)(A) Foodservice workers, paid and volunteer, must receive at least quarterly in-service training designed to enhance knowledge and job performance.

(B) Training should consist of topics on:

- (i) Food production and service;
- (ii) Sanitation;

- (iii) Safety;
- (iv) Portion control;
- (v) Food storage;
- (vi) Nutrition; and
- (vii) Other related, pertinent topics.

(C)(i) The area agency on aging nutrition program coordinator must review lesson plans and each meeting must be documented.

(ii) The lesson documentation must include:

- (a) Topic;
- (b) Presenter;
- (c) Evaluation;
- (d) Date;
- (e) Time; and
- (f) Signatures of attendees and other staff who were provided

the in-service information.

(iii) Area agency on aging, division, or other specific job-related training may be used; and

(3)(A) Foodservice workers shall complete training and updates as the division and the area agency on aging make them available.

(B) All foodservice workers are strongly encouraged to obtain ServSafe Food Managers Certification.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1215. Menu planning.**

Title III of the Older Americans Act, 42 U.S.C. § 3021 et seq., requires a nutrition project to provide meals that:

(1) Comply with the most recent Dietary Guidelines for Americans published by the United States Secretary of Health and Human Services and the United States Secretary of Agriculture; and

(2) Provide to each participating older individual a minimum of thirty-three and one-third percent (33 1/3%) of the dietary reference intakes (DRIs) established by the Food and Nutrition Board of the National Academy of Sciences, Engineering, and Medicine if the project provides one (1) meal per day, and:

(A) A minimum of sixty-six and two-thirds percent (66 2/3%) of the DRIs if the project provides two (2) meals per day; and

(B) One hundred percent (100%) of the DRIs if the project provides three (3) meals per day.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1216. Guidelines and procedures.**

(a) To ensure meals meet the federal requirements, the Standard Meal Pattern must be used in conjunction with Nutrient Requirements and Values for Analysis.

(b)(1) The Standard Meal Pattern must be used.

(2) A meal pattern is a menu-planning tool used to develop balanced meals that include foods from each group.

(3) The Standard Meal Pattern below is based on the Dietary Guidelines for Americans 2005.

**Standard Meal Pattern**

<b>Food Group</b>	<b>Servings Per</b>	<b>Serving Sizes</b>	<b>Recommendations</b>
-------------------	---------------------	----------------------	------------------------

	<b>Meal</b>		
Grain	1-2 servings	1 serving is:	Whole grains.
		<ul style="list-style-type: none"> <li>• 1 slice bread</li> <li>• 1 small roll</li> <li>• 1 cup dry cereal</li> <li>• ½ cup cooked rice, pasta, cereal</li> </ul>	
Vegetable	1-2 servings: may serve an additional vegetable instead of a fruit	1 serving is:	A variety of deeply colored vegetables are recommended, such as dark green and orange.
		<ul style="list-style-type: none"> <li>• ½ cup raw or cooked</li> <li>• 1 cup raw leafy vegetable</li> <li>• ½ to ¾ cup 100% vegetable juice</li> </ul>	
Fruit	1 serving: may serve an additional fruit instead of a vegetable	1 serving is:	A variety of brightly colored fruit is recommended.
		<ul style="list-style-type: none"> <li>• ½ cup fresh, frozen, or canned fruit</li> <li>• 1 med fruit</li> <li>• ¼ cup dried fruit</li> <li>• ½ cup 100% fruit juice</li> </ul>	
<b>Milk, Milk</b>	1 serving: 1 cup or	1 serving is:	Low-fat dairy products are

Alternate, or calcium equivalent	equivalent measure	<ul style="list-style-type: none"> <li>• 1 cup low-fat/fat free milk or yogurt</li> <li>• 1½ oz of natural cheese</li> <li>• 2 oz processed cheese</li> <li>• 1 cup Vitamin D and Calcium fortified drink</li> </ul>	recommended.
Meat or Meat Alternate	1 serving	1 serving is:	Lean meats and low-fat meat alternates are recommended.
		<ul style="list-style-type: none"> <li>• 2-3 oz. cooked meat, poultry, fish</li> <li>• ¾ cup cottage cheese</li> <li>• 3 eggs or equivalent egg substitute</li> <li>• 1½ cup cooked beans, peas, lentils</li> </ul>	
Dessert	1 serving	Varies	Using fruit and milk-based desserts is recommended when possible.

\*For more detail on Nutrition Program Menus, see Appendix.

(c)(1) Nutrient levels must be calculated and documented using recognized nutrient analysis computer software.

(2) This allows the menu planner to easily adjust portion sizes and food components to ensure meals meet one-third (1/3) of DRIs.

(3) The Nutrient Requirements and Values for Analysis supersede the Standard Meal Pattern.

(4) If the nutrient requirements are met, that is sufficient, as long as no more than one (1) item from the Standard Meal Pattern is excluded from the meal.

(5) The table below presents the current minimum level of acceptable DRIs for one (1) meal.

**Nutrient Requirements and Values for  
Analysis**

<b>Nutrient</b>	<b>Required Value</b>	<b>Conditions</b>
Calories	> 600	Preferred Range 700-800
Fat(% of total calories)	<35%	Each Day
Protein (% of total calories)	>15%	Each Day
Fiber	7g	Averaged over one week
Vitamin A	1,000 IU	Averaged over one week
Vitamin C	30mg	Averaged over one week
Calcium	400mg	Averaged over one

		week
Sodium	1200mg or less (500-600mg recommended)	Averaged over one week

(d) A registered dietitian must approve menus.

(e) Any planned second meal provided for the same day must be a menu different from the lunch meal.

(f) When choices are offered, combinations offered contain one-third (1/3) of DRIs.

(g)(1) Nutrition providers should stay in touch with their participants in order to provide meals acceptable to the majority.

(2) An annual meal survey should be done to solicit suggestions and assess client satisfaction.

(h)(1) The United States Department of Agriculture MyPlate ([myplate.gov](http://myplate.gov)) is an excellent source of information on specific food groups and should be used to guide menu planning for a more healthful menu.

(2) In general, it is recommended to choose food that is higher in fiber and lower in fats and sugars.

(i) Resources developed specifically for the Older Americans Act Nutrition Program can be found on the website of the National Resource Center on Nutrition, Physical Activity and Aging: <http://nutritionandaging.fiu.edu/>.

(j) Menus shall provide a variety of food items and preparation methods, including a mixture of:

- (1) Colors;
- (2) Textures;
- (3) Shapes;
- (4) Sizes; and
- (5) Flavors.

(k) Using locally grown, fresh fruits and vegetables in season is encouraged, as they will:

- (1) Cost less;
- (2) Be more flavorful; and
- (3) Have higher nutritional value.

(l)(1) Potassium blunts the effects of sodium.

(2) Serving more vegetables and fruits with higher potassium content is strongly encouraged.

(m) Special dietary needs of older adults should be considered in:

- (1) Menu planning;
- (2) Food selection;
- (3) Preparation; and
- (4) Service.

(n) When feasible, menus should reflect ethnic, cultural, religious, or regional dietary requirements or preferences of the majority of participants.

(o)(1) Menus will be written using a four-week cycle.

(2) Area agencies on aging may allow providers to shorten the cycle to three (3) weeks or lengthen to six (6) weeks.

(3) Menus should be rotated, at minimum, three (3) times a year.

(p)(1) Menus must be dated with the date used.

(2) Menus, with production and serving guides, must be posted in the food preparation and serving areas.

(3) A menu must be posted for participants' viewing.

(q)(1) Substitutions for foods on approved menus should be minimal and approved by the area agency on aging nutrition program coordinator.

(2) Substitutions must be of similar nutrient content.

(r)(1) One (1) holiday meal per month may be served.

(2) The sodium and the fat restriction will not be required for the holiday meal.

(s) Vitamin or mineral supplements are not provided.

(t) A therapeutic diet for individual specific diagnoses may be served only under the following conditions:

(1) A written therapeutic diet order, signed and periodically reviewed by the physician, is on file for each person receiving a diet;

(2) Therapeutic diet menus are written by an RD;

(3) Therapeutic meal preparation and service are to be supervised by a qualified dietary manager and monitored by an RD;

(4) Assessment of the participant by an RD at least every six (6) months validates the continued need for the diet;

(5) The participant follows the diet for all meals, not just those supplied by the service provider;

(6) There is an adequate number of individuals who require diets to make the service practical; and

(7) The service provider has or can obtain at a reasonable cost the necessary food and skills to prepare therapeutic meals.

(u) Area agencies on aging whose services include provision of nutritional supplements (Ensure, Boost, etc.) must comply with the following:

(1) Nutritional supplements may not replace a meal, except by doctor's order stating that supplements are the only intake; and

(2)(A) Nutritional supplements may be used as a part of the meal with a doctor's order and nutrition assessment with follow-up of the participant by an RD.

(B) Nutritional supplements sent as a part of a meal may not be counted as a second meal and are not NSIP reimbursable as a second meal.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

## **20 CAR § 430-1217. Food service operations.**

(a) All stages of food service operations must comply with federal, state, and local fire, health, sanitation, safety and building codes, regulations, rules, and licensing requirements.

**(b) Required permits and records.**

(1)(A) A current food service permit must be posted in each site as required by the Department of Health.

(B) To be current, the permit date may not exceed one (1) year elapsed.

(C) Without a current food service permit, the facility cannot be used or contracted with in the nutrition program.

(2)(A) Copies of a Food Service Establishment Inspection Report and Fire and Safety Report, dated within a year, must be maintained for each site or caterer.

(B) Corrective actions recommended by sanitarians or fire officials must be promptly carried out.

(3)(A) Copies of menus, with notation of any variations in food served, must be maintained for one (1) year.

(B) Copies of temperature records for congregate and home-delivered meals will also be maintained for one (1) year.

(4) Copies of food invoices, sign-in logs, contribution reports, and service logs shall be kept on file for three (3) years.

(5) Copies of client files and other client records shall be kept on file for seven (7) years.

**(c) Requirements for food procurement.**

(1) All foods used in nutrition programs must be:

(A) From an approved source;

(B) In compliance with applicable state and local laws and rules; and

(C) Clean, wholesome, free of spoilage, adulteration, or mislabeling, and safe for human consumption.

(2) No home canned food may be used.

(3) Contributed foods must meet the same standards of quality, sanitation, and safety as purchased foods.

(4)(A) Fresh or frozen meat and poultry must be United States Department of Agriculture inspected.

(B) Wild game can be used only if it is secured from an approved source.

(5)(A) Potluck meals may not be counted on the Title III Program Performance Report and are not eligible for Administration on Aging reimbursement.

(B) Because no federal program funds may be used for staff salaries, utilities, equipment, materials, and/or services for potluck meals, the meal is not subject to federal program requirements.

**(d) Requirements for receiving food and food storage.**

(1)(A) Incoming shipments must be checked.

(B) Goods must be rejected if they are damaged or show evidence that temperatures were not properly maintained.

(2) Items must be immediately placed in the proper storage area.

(3) Items must be stored in a manner that allows air circulation around the containers.

(4) Items must be stored in a manner that allows the oldest goods to be used first (FIFO: first in, first out).

(5) Shelving must be smooth and easily cleaned, and at least six inches (6") above the floor to allow cleaning under the shelves.

(6) Food may not be stored with:

(A) Cleaning supplies;

(B) Mops;

(C) Buckets; or

(D) Items that might contaminate food.

(7)(A) The storage area must be well ventilated and controlled in temperature and humidity.

(B) Fifty degrees Fahrenheit to seventy degrees Fahrenheit (50° F – 70° F) is suggested.

(8) Packages that have been opened must be:

(A) Tightly covered or closed;

- (B) Labeled; and
- (C) Dated.

**(e) Required standards for food preparation and service.**

(1) Food must be prepared, served, and transported with the least possible manual contact, with suitable equipment and utensils on surfaces that, prior to use, have been cleaned and sanitized to prevent cross contamination.

(2) Food preparation staff will be supervised by a trained, ServSafe certified person (see staffing) who ensures the use of hygienic practices in food handling, preparation, and service.

(3) All food preparation staff, paid and volunteer, must have received orientation and instruction (see staffing, orientation) prior to beginning work.

(4) Food preparation staff shall strictly adhere to safe and sanitary personal habits and food handling practices, including:

(A) Staff wears approved hair coverings, clean clothes, and apron;

(B) Staff washes hands thoroughly each time before handling food, food contact surfaces, or serving food; and

(C)(i) Workers do not go from "dirty" (washing dirty dishes) to "clean" tasks (handling clean dishes, serving food).

(ii) If this is unavoidable, hands are washed and gloves and apron are changed before beginning the "clean" task.

(5) Adequate hand washing facilities shall be provided and located to encourage frequent hand washing.

(6) Food preparation staff that is ill (illness that can be transmitted through air, food, utensils, or contact) shall not be allowed to work.

(7)(A) Food production shall be planned and managed through the consistent use of standardized recipes adjusted to yield the number of servings needed.

(B) This will help ensure quality and documented nutrient content of food served, as well as tracking food cost.

(8) Food preparation staff shall be familiar with standardized recipes, understand why they are needed, and be given necessary equipment to prepare them.

(9)(A) There shall be adequate equipment and space to allow accurate, safe, and sanitary preparation of the menu as written.

(B) Equipment shall be in good repair and easily cleaned.

(C) Employees shall be familiar with the correct usage, safe operation, and cleaning methods for the equipment.

(10)(A) Foods shall be prepared and handled in a manner that preserves optimum flavor, appearance, and nutrients, as well as food safety.

(B) This requires the shortest cooking and holding times possible.

(11) Opened packages of food, refrigerated, frozen, and dry, shall be dated, labeled, and tightly closed to prevent contamination.

(12) Frozen foods shall be thawed:

(A) In the refrigerator;

(B) Under cool running water; or

(C) As part of the cooking process.

(13)(A) Foods cooked for later use shall be cooled immediately and appropriately, not allowed to cool on counters.

(B) Appropriate cooling techniques include:

(i) Dividing food into smaller and/or more shallow containers;

(ii) Using an ice water bath;

(iii) Stirring with an ice paddle; or

(iv) In some cases, adding clean ice (such as to soup), stirring until cooled, then placing in refrigerator.

(C) Any combination of these cooling techniques is acceptable.

(14) Effective procedures and schedules for cleaning and sanitizing dishes, equipment, and work areas must be written and followed consistently.

(15)(A) Food service workers must understand the need for and use standardized portions.

(B) Providers must supply the necessary equipment and utensils to serve standardized portions.

(16) Food shall be portioned according to a meal service guide, which shall list which utensil to use and the size of each serving.

(17) Equipment for holding and serving food must maintain the temperature of the food at either below forty-one degrees Fahrenheit (41° F) or above one hundred thirty-five degrees Fahrenheit (135° F).

(18) The holding time between food preparation and meal consumption shall be minimal to reduce opportunities for bacterial growth and maintain food quality.

(19)(A) Temperatures for meals served at the center must be checked and recorded each day at the beginning of meal service.

(B) If the temperature is between forty-one degrees Fahrenheit (41° F) and one hundred thirty-five degrees Fahrenheit (135° F), corrective action must be taken.

(20)(A) Dish handling and storage practices must comply with Department of Health and ServSafe requirements and ensure sanitary food contact surfaces.

(B) These include:

(i) Where possible, there is a physical separation between dirty and clean dish areas, with a hand washing sink located near the entrance to the clean dish area;

(ii) Dirty dishes do not pass through the area where food is being prepared or served;

(iii) Foodservice employees shall not handle silverware by the food contact end, nor handle glasses by the rim;

(iv) Dishes are allowed to air dry; and

(v) Wash methods and temperatures meet Department of Health rules and ServSafe recommendations.

(21)(A) Congregate meals are to be consumed at the meal site.

(B) Congregate meals shall not be sent home with participants as a second meal nor as a sack lunch for days when the center is closed.

(C) This does not include shelf-stable emergency meals.

(22)(A) At the discretion of the area agency on aging, participants may carry home leftovers from their own plate.

(B) Clients taking home leftovers may sign a liability waiver holding the food program harmless concerning food-borne pathogens once the food leaves the dining room.

(C) All clients who take home leftovers must provide their own containers.

(D) The food program is required to include proper food handling in the quarterly education.

(23) Staff who are not eligible participants may not take leftovers home.

(24)(A) Cooks shall not intentionally prepare excess amounts of food to ensure that there are leftovers.

(B) This increases food cost and waste.

(25)(A) Amounts prepared need to be carefully considered to prevent leftovers.

(B) Unserved food remaining at the end of the meal:

(i)(a) May not be used for frozen home-delivered meals if the food has remained on a steam table longer than thirty (30) minutes.

(b) Home-delivered meals should be plated at the beginning of meal service;

(ii) May be offered as second helpings to participants; and

(iii) If prepared food is prepared on site and has been properly handled, leftovers may be refrigerated or frozen for later use at the center.

(C) Leftover food must be refrigerated or frozen immediately.

(D) Refrigerated food must be used within three (3) days.

(E) All leftovers must be reheated to an internal temperature of at least one hundred sixty-five degrees Fahrenheit (165° F).

(F) Leftovers may not be used a second time.

(26) If food was not prepared on site (was transported), leftovers must be offered as a second helping or discarded.

**(f) Requirements for bulk food transport.**

(1)(A) Prepared food must be transported in approved carriers that maintain food temperatures at or above one hundred thirty-five degrees Fahrenheit (135° F) or at or below forty-one degrees Fahrenheit (41° F) (out of the temperature danger zone) from preparation site to serving site.

(B) Carriers must be insulated and equipped with supplemental heat or cold source if needed to maintain proper temperatures.

(C) Carriers must be completely enclosed with a tight-fitting lid.

(D) Carrier size shall be such that there is little dead space when the carrier is packed.

(E) Carriers must be:

(i) In good condition;

(ii) Easily cleaned; and

(iii) Sanitized after each use.

(2)(A) Food temperatures shall be recorded as the food leaves the preparation area and upon arrival at the service site.

(B) Appropriate corrective actions should be taken and documented if food is in the temperature danger zone (forty-one degrees Fahrenheit to one hundred thirty-five degrees Fahrenheit (41° F – 135° F)).

(C) Temperature records must be kept on file for review.

(3) Drivers and food handlers must receive orientation and training on sanitation and food handling.

(4) Food transport vehicles must be clean and sanitary.

(5) Length of time between preparation of bulk food and service of the last meal from it should be minimal, and it must be demonstrated that safe temperatures are held from preparation to the last meal served.

**(g) Required standards for home-delivered meals.**

(1) Home-delivered meals must be packaged at the beginning of the meal in a container with a tight-fitting lid and transported immediately.

(2)(A) Transport equipment, packaging materials, and procedures used to deliver meals must be compatible, and must maintain food temperatures at or above

one hundred thirty-five degrees Fahrenheit (135° F) or at or below forty-one degrees Fahrenheit (41° F) from packing to delivery.

(B) Carriers must be insulated and equipped with supplemental heat or cold source if needed to maintain proper temperatures.

(C) Carriers must be completely enclosed with a tight-fitting lid.

(D) Carrier size shall be such that there is little dead space when the carrier is packed.

(E) Carriers must be:

(i) In good condition;

(ii) Easily cleaned; and

(iii) Sanitized after each use.

(3)(A) Routes cannot exceed one and one-half (1 1/2) hours from the center to the last delivery and may not leave the center before 10:00 a.m.

(B) **Exception.** It can be demonstrated that temperature and quality can be maintained for slightly longer routes, as with vehicles with specially designed heated and cooled compartments.

(4) Carriers should be opened as little as possible during deliveries.

(5)(A) Temperatures of the last meal delivered on each route must be taken and recorded at least weekly.

(B) For short, for volunteer-delivered routes, temperature checks may be rotated, but must be checked at least monthly.

(C) Corrective action must be taken when temperatures are within the temperature danger zone (between forty-one degrees Fahrenheit (41° F) and one hundred thirty-five degrees Fahrenheit (135° F)).

(D) Temperature records must be kept on file for review.

(6)(A) Delivery personnel must actually see the participant or their caregiver when the meal is delivered.

(B) Meals may never be left at the door.

(C) Meals may be left with a designee for one (1) day if specific arrangements have been made with program staff and the arrangements are documented for each occurrence.

(7) Delivery persons must receive an orientation which includes:

(A) Food safety;

(B) Emergency procedures; and

(C) Procedures for handling contributions.

(8)(A) More than one (1) meal per day, or meals for more than one (1) day, may be delivered if proper storage and heating facilities are available in the home.

(B) The participant must be able to reheat and consume the second meal by himself or herself or with available assistance.

(9) Meals requiring heating must be packed in oven safe containers with instructions attached.

**(h) Frozen home-delivered meal requirements.**

(1) Not more than two (2) weeks' worth (ten to fourteen (10 – 14)) of frozen meals will be delivered at once.

(2)(A) Meals shall be frozen on the day of preparation before beginning regular meal service.

(B) Food returned from another site may not be used for frozen meals.

(3)(A) Each meal shall be labeled, listing:

(i) Each item it contains;

(ii) The date; and

(iii) Items to be added to complete the meal.

(B) Participant and/or caregiver should receive instructions on the use of the meal when beginning the service, and a reminder at the time of reassessment.

(4) Meals shall be frozen in containers that will protect food from freezer burn or contamination and can be heated in the oven.

(5)(A) Meals shall be frozen in a freezer that will lower the temperature of the meal to zero degrees Fahrenheit (0° F) or below within three (3) hours.

(B) When freezing, meals must be placed in the freezer in a manner that allows air to circulate freely around each meal.

(6) To meet requirements, other meal components such as milk, fruit, bread, etc., must be added to the frozen portion of the meal as listed on the menu.

(7) Food substitutions must be of comparable nutritive value and must be documented.

(8) Transportation equipment must maintain food in a frozen state and ensure sanitary handling.

(9) Length of delivery routes and carriers shall be such that participants receive meals in a completely frozen state.

(10) Frozen meals shall be rotated out of the freezer and used on a first in, first out (FIFO) basis within thirty (30) days.

(11) A method shall be developed to ensure that the participant:

(A) Has adequate freezer space to handle meals;

(B) Has the facilities to adequately heat the food;

(C) Understands that meals are to be used promptly, especially the milk, bread, fruit, etc., that accompany the meal; and

(D) Is physically and mentally able to heat the meal and understands how to do so, or arrangements have been made to heat meals for him or her.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "12-1-16"

**20 CAR § 430-1218. Emergency procedures.**

(a) The area agencies on aging and providers shall develop a written plan for a variety of possible emergency situations such as participant illness, injury, or choking, and weather-related emergencies, such as tornado, ice, snow, extreme heat, flood, etc.

(b) The plan shall include:

- (1) A procedure for notifying participants when the center must be closed;
- (2) A procedure for notifying HDM participants that meals cannot be delivered and that they should use an emergency meal;
- (3) A procedure that delivery personnel are to follow when no one answers the door for meal delivery, or when an emergency situation is encountered;
- (4) A procedure that center staff should follow in medical emergency, fire, or sudden weather-related emergency; and
- (5) A procedure for supplying emergency meals (see below):
  - (A) Center and meal delivery staff and volunteers shall receive instruction in those emergency procedures that apply to them;
  - (B)(i) Center participants shall receive information on what to do in the event of an emergency while at the center (for example, fire, tornado) and while at home.
    - (ii) A list of suggested emergency supplies should be provided to participants.
    - (iii) Information should include how the center will notify them when closing; and
  - (C)(i) HDM participants will be supplied with at least two (2) emergency meals.
    - (ii) The meals will:
      - (a) Contain one-third (1/3) DRIs;
      - (b) Be labeled "Emergency Meal" in large print, with instructions on use of the meal;
      - (c) Be used within the limits of their shelf life, usually within six (6) months;
      - (d) Be billed when delivered to the participant; and
      - (e) Be replaced after the center has instructed the participant to use it.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1219. Education.**

(a) Nutrition education activities should be conducted on an ongoing basis, at least semiannually.

(b)(1) Information and instruction should be given to participants and caregivers in a group or individual setting overseen by a dietitian or other individual with equivalent education in nutrition science.

(2) Written documentation, including date, topic, source, presenter, and a list of participants or the number in attendance must be maintained.

(3) Copies of the programs and a brief evaluation of the program's effectiveness will be kept on file at each senior center or subcontractor's office for three (3) years.

(c) Nutrition education activities may include:

(1) Formal presentations;

(2) Learning activities such as:

(A) Nutrition bingo;

(B) Cooking demonstrations or classes; and

(C) Sampling new or differently prepared foods; and

(3) Individual sessions with a participant or caregiver.

(d) Material that may be used to supplement nutrition education:

(1) Large font, easy to understand nutrition handouts developed by a registered dietitian;

(2) Bulletin board displays; and

(3) Table tents or placemats containing valid nutrition information.

(e)(1) The HDM nutrition education can include learning activities offered as an individual session with the older adult and/or caregiver through telephone contact or

through a home visit such as during the initial assessment, follow-up visit, reassessment, or as a separate visit.

(2) Print materials such as simple pamphlets, handouts, bookmarks, and placemats are appropriate supplemental material.

(f) The nutrition education program development and documentation requirements for congregate meals apply to HDMs.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

**20 CAR § 430-1220. Nutrition Services Incentive Program.**

(a) The Administration on Aging administers NSIP in compliance with the requirements of Section 311 of the Older Americans Act, 42 U.S.C. § 3030a.

(b) State units on aging, such as the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services funded through Title III of the Older Americans Act, 42 U.S.C. § 3021 et seq., and Indian tribal organizations who have an approved application through Title VI of the Older Americans Act, 42 U.S.C. § 3057 et seq., may receive grants of cash from the Administration on Aging and/or commodities from the United States Department of Agriculture.

(c)(1) Meals counted for purposes of NSIP reporting are those that satisfy the requirements of Title III-C of the Older Americans Act.

(2) Meals served in accordance to Older Americans Act, 42 U.S.C. § 3001 et seq., requirements include meals served:

(A) To an individual who is qualified to receive services under the Older Americans Act as defined in Title III of the Older Americans Act or Title VI of the Older Americans Act;

(B) To an individual who is not means-tested for participation;

(C) In compliance with the nutrition requirements of the Older Americans Act;

(D) By an eligible agency (has a grant or contract with the division or area agency on aging) or a Title VI provider; and

(E) To an individual who is given an opportunity to contribute to the cost of service.

(d) Recipients of grants or contracts from the division or area agencies on aging may use NSIP cash to purchase United States agricultural commodities and other foods of United States origin for their nutrition projects.

(e) Medicaid waiver meals and meals for staff and guests under sixty (60) may not be reported for NSIP assistance.

(f) Grants or contracts from the division to area agencies on aging, or from area agencies on aging to providers, may not be reduced when NSIP reimbursement levels increase.

(g) A reliable reporting system must be in place to ensure accurate reporting of NSIP eligible meals.

(h) The subcontractor must document NSIP eligible meals served and submit a monthly count to the area agency on aging.

(i) Each area agency on aging must submit a written NSIP Meal Count Report to the division by the eighteenth of each month, or date specified by current division policy, for eligible meals served the prior month.

(j)(1) Election to receive cash in lieu of commodities is made as a state.

(2) Area agencies on aging indicate at the beginning of the area plan cycle if they wish to receive commodities or cash.

(3) The division informs the Administration on Aging of the election yearly.

(k)(1) Information and assistance to encourage eligible individuals to apply for Supplemental Nutrition Assistance Program (SNAP) benefits, formerly food stamps, should be provided at the time of intake.

(2) Information on SNAP eligibility and the application process should also be posted or available as brochures at the site.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-96"

### **Subpart 13. Area Agency on Aging Subcontractor Assessments**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"GENERAL AUTHORITY, including but not limited:  
Older Americans Act of 1965, as amended  
Department of Human Services Contracting Procedures  
7 CFR PART 250  
45 CFR, Parts 74, 80, 84, 1320, 1321, 1324, and 1326  
OMB Circular A-87, A-102, A-110, A-122, A-128  
Social Services Block Grant"

"Effective Date 1/01/90"

#### **20 CAR § 430-1301. Purpose.**

The purpose of this subpart is to ensure that services are provided in accordance with all applicable federal and state requirements and Department of Human Services and Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services policies.

**Authority.** Arkansas Code § 25-10-129.

#### **20 CAR § 430-1302. Scope.**

This subpart applies to all area agencies on aging throughout the state.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1303. Policy statement.**

(a) Area agencies on aging must assess annually the administrative and service delivery procedures of subcontractors to ensure clients are receiving services in an appropriate manner and the program is operating with full accountability.

(b) The assessment must be in compliance with guidelines established by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services and the Department of Human Services, as applicable.

**Authority.** Arkansas Code § 25-10-129.

**Subpart 14. Reporting**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "Effective: July 1, 1996"

"General Authority:

The Older Americans Act of 1965 as amended.

Arkansas Code Ann. 25-10-101 et. seq.

Social Services Block Grant"

**20 CAR § 430-1401. Purpose.**

The purpose of this subpart is to:

- (1) Ensure that services to older Arkansans are accurately reported;
- (2) Make it possible to relate services to specific populations; and
- (3) Identify areas where older individuals may be underserved and to fulfill state and federal reporting requirements.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1402. Scope.**

This subpart applies to:

- (1) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;
- (2) Area agencies on aging; and
- (3) Contracted service providers.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1403. Policy statement.**

(a) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, the area agencies on aging, and the contracted service providers shall comply with all reporting requirements of:

- (1) The Older Americans Act, 42 U.S.C. § 3001 et seq.;
- (2) Title XX (Social Services Block Grant or SSBG), 42 U.S.C. § 1397 et seq.;
- (3) State general revenue;
- (4) Discretionary grants; and
- (5) All other funding sources.

(b) Failure to comply with reporting requirements may result in the withholding of grants by the Director of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1404. Taxonomy service and unit descriptions.**

(a) **Adult day care.**

(1) An adult day care is a group program designed to provide care and supervision to meet the needs of four (4) or more functionally impaired adults for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than in the adult's own home.

(2) Meals, transportation, and recreational activities are also provided.

(3) Unit definition: one (1) hour.

(4) Medicaid service and unit definition: same.

**(b) Chore service.**

(1) This is a household service which may include running errands, preparing food, simple household tasks, heavy cleaning, or yard and walk maintenance which:

(A) The client is unable to perform alone; and

(B) Does not require the services of a trained homemaker or other specialist.

(2) This cannot include medically oriented personal care tasks.

(3) Unit definition: one (1) hour.

(4) Medicaid services and unit definition: provides heavy cleaning and/or yard and sidewalk maintenance only in extreme, specific, and individual circumstances when lack of these services would make the home uninhabitable.

(5) This service does not include routine lawn and yard maintenance.

**(c) Client representation.**

(1) Client representation is an activity under which a client's needs are assessed and services to meet those needs are either provided directly by the client representative or arranged for in an organized and consistent manner.

(2) Client representation includes, but is not limited to, such activities as:

(A) Outreach;

(B) Referral for legal assistance;

(C) Providing information about and determining eligibility for public benefits such as QMB and SLMB;

(D) Assisting with completion of applications and paperwork;

(E) Attending meetings on behalf of clients; and

(F) Providing information and assistance.

(3) Clients receiving both Medicaid targeted case management and client representation will not receive duplicate services.

(4) Unit definition: one (1) client per annual reporting period.

**(d) Employment services.**

(1) This service provides an organized program of counseling, assessment, training, and placement in employment, either subsidized or unsubsidized.

(2) Clients must be fifty-five (55) or older.

(3) Unit definition: one (1) person.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "QMB" means Qualified Medicare Beneficiary.

"SLMB" means Specified Low-income Medicare Beneficiary.

**Subpart 15. Area Agency on Aging Area Plans**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority

Older Americans Act of 1965 as amended

Arkansas Code Ann. Section 25-10-101 et seq."

"Effective Date: 04/15/97"

**20 CAR § 430-1501. Purpose.**

Comprehensive area plans are required by the Older Americans Act, 42 U.S.C. § 3001 et seq., and are necessary to the development and provision of a comprehensive and coordinated system of services for older Arkansans.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1502. Scope.**

This subpart applies to all Arkansas area agencies on aging.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1503. Policy statement.**

(a) Each area agency on aging shall submit to the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services an area plan, with annual adjustments, for providing in its planning and service area a comprehensive and coordinated system of services to older individuals, with particular attention to the targeting requirements of the Older Americans Act, 42 U.S.C. § 3001 et seq.

(b) This plan shall conform to the requirements of the division and of Section 306 of the Older Americans Act, 42 U.S.C. § 3026.

(c) It shall be submitted using the forms included with this subpart and any other documentation required by law.

**Authority.** Arkansas Code § 25-10-129.

**Subpart 16. Multipurpose Senior Centers**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"SCOPE:

This procedure applies to all multipurpose senior centers funded by Title III B."

"GENERAL AUTHORITY

Older Americans Act of 1965, as amended

45 CFR 1321

Architectural Barriers Act of 1968

Arkansas Act 691 of 1989"

"EFFECTIVE DATE: 03/01/90

Revised: 09/30/91"

**20 CAR § 430-1601. Purpose.**

The purpose of this subpart is to ensure that multipurpose senior centers are provided in accordance with the Older Americans Act, 42 U.S.C. § 3001 et seq., and federal and state requirements.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1602. Scope.**

This subpart applies to Title III B funded multipurpose senior centers throughout the state.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1603. Policy statement.**

(a) Area agencies on aging must establish systematic procedures for the award and administration of contracts for the acquisition, alteration, renovation, or construction of multipurpose senior centers.

(b) Procedures must include monitoring and evaluation of the contract.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1604. Definitions.**

As used in this subpart:

(1) "Acquiring" means obtaining ownership of an existing facility in fee simple or by lease for ten (10) years or more for use as a multipurpose senior center;

(2)(A) "Altering/renovating" means making modifications to an existing facility which are necessary for its effective use as a multipurpose senior center.

(B) This includes restoration, repair, or expansion which is not in excess of double the square footage of the original facility and all related physical improvements;

(3) "Constructing" means building a new facility, including the costs of land acquisition and architectural and engineering fees, or making modifications to or in connection with an existing facility which are in excess of double the square footage of the original facility and all physical improvements;

(4) "Fee simple" means complete ownership without condition; and

(5) "Multipurpose senior center" means a community or neighborhood facility for the organization and provision of a broad spectrum of services including health, social, nutritional, and educational services, and a facility for recreational and group activities for older persons.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1605. Procedural requirements.**

(a)(1) Funds may be awarded to a public or private nonprofit organization for the purpose of acquiring, renovating, altering, equipping, or staffing a facility which meets federal, state, and local regulations, rules, and/or ordinances and is used as a multipurpose senior center.

(2) In making awards, the area agency on aging must take into consideration:

(A) The number of older individuals with low incomes residing in the area;

and

(B) The number of older persons who have greatest economic or social need, with particular attention to low-income minority individuals.

(b) Special conditions for acquiring by purchase or constructing a facility:

(1) The area agency on aging must obtain the approval of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services before making an award for purchasing or constructing a facility;

(2) The area agency on aging may make an award for purchasing or constructing a facility only if there are no suitable facilities available for rent or lease; and

(3)(A) The area agency on aging must ensure that recipients of all future awards immediately file the following notice of record with the appropriate unit of local government upon purchase or completion of construction of the facility:

This is to serve as a notice to all potential sellers, purchasers, transferors and recipients of a transfer of the real property described below as to the Federal Government's reversionary interests as set forth in section 312 of the Older Americans Act of 1965, as amended, 42 U.S.C. 3030b, which have arisen as a result of (grantee's name) receipt and use of Department of Human Services' grant funds in connection with the purchase or construction of said property. The property to which this notice is applicable is (address) and identified as Parcel (insert appropriate number(s)) in the books and records of (insert appropriate name of local unit of government's recording agency).

Said real property is also described as: (insert description provided in survey). Further information as to the Federal Government's interests referred to above can be obtained from: (name and address of Area Agency on Aging).

(B) After the notice has been recorded, the grantee must provide the director of the area agency on aging with a copy; and

(4) The area agency on aging will notify the division in writing of any change in status or any other action which could affect the federal reversionary interest in a senior center.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1606. Multipurpose senior center requirements.**

Multipurpose senior centers requirements:

(1) A center must comply with all applicable state and local health, fire, safety, building, zoning, and sanitation laws, ordinances, or codes;

(2) A center must install, in consultation with state or local fire authorities, an adequate number of smoke detectors in the senior center;

(3) A center must have a plan for ensuring the safety of older persons in a natural disaster or other safety threatening situation;

(4) A center must comply with regulations relating to minimum standards of construction, particularly with the requirements of the Architectural Barriers Act of 1968, 42 U.S.C. § 5151 et seq., on plans and specifications for an award for acquiring, altering, renovating, or constructing a multipurpose senior center facility;

(5) A center must comply with the requirements of the Davis-Bacon Act, 40 U.S.C. § 3141 et seq., and other mandatory federal labor standards for alterations, renovations, or construction of a facility to be used as a multipurpose senior center;

(6) A center must meet the following length of use requirements:

(A) A facility acquired to be used as a multipurpose senior center must be used for that purpose for at least ten (10) years from the date of acquisition;

(B) A facility constructed to be used as a multipurpose senior center must be used for that purpose for at least twenty (20) years after completion of construction; and

(C) A facility which is altered or renovated using Older Americans Act Title III funds must be used for the purpose for which the alteration and/or renovation was completed for at least five (5) years; and

(7) A center must not be used and may not be intended to be used for sectarian instruction or as a place of religious worship.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1607. Recapture of payments.**

(a) For acquired or constructed facilities, the United States Government is entitled to recapture a portion of federal funds from the owner of a facility if within ten (10) years after acquisition or twenty (20) years after completion of construction:

(1) The owner of the facility is no longer a public or nonprofit private agency or organization; or

(2) The facility is no longer used for multipurpose senior center activities.

(b) The amount recovered under this section will be that proportion of the current value of the facility equal to the proportion of federal funds contributed to the original cost.

(c) The current value of the facility is determined by an agreement between the owner of the facility and the United States Government or by an action of the federal district court covering the location of the facility.

(d)(1) The area agency on aging may under certain circumstances request a waiver of the repayment of funds.

(2) This written request should include a historical background of the senior center and a description of the nature of the circumstances that led to the waiver request.

(3) Information provided should include:

(A) The total Older Americans Act, 42 U.S.C. § 3001 et seq., funds awarded;

(B) An estimate of the total federal share of the center's value when it ceased to be used for program purposes; and

(C) The date at which circumstances made a waiver advisable.

(4) The area agency on aging must also provide assurances that the repayment amount being waived will be used for services or programs to benefit older persons.

(5) If approved by the Director of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, the request will be forwarded to the Administration on Aging for a final decision.

(6) If the area agency on aging receives a written denial, then procedures that are ordinarily used in an audit disallowance will be used to return recaptured funds.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1608. Funding and use requirements.**

(a) Sufficient funds must be available to effectively use the facility as a multipurpose senior center.

(b) A multipurpose senior center program must be operated in the facility.

(c) In a facility that is shared with other age groups, funds received under this subpart may support only:

(1) That part of the facility used by older persons; or

(2) A proportionate share of the costs based on the extent of use of the facility by older persons.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1609. Contract requirements.**

(a) Contracts awarded for the acquisition, building, or renovation of multipurpose senior centers must contain at a minimum the following:

- (1) Rationale for request showing need for the facility and benefits to the elderly, especially those with the greatest economic or social need;
  - (2) Drawing of the original facility;
  - (3)(A) Drawing of the proposed changes in the facility.  
(B) A contract for expansion must be for an extension of the original facility;
  - (4) Expected life of the facility as a multipurpose senior center;
  - (5) Services to be offered in the facility;
  - (6) Correct percentage and type of match provided;
  - (7) Estimated budget summary; and
  - (8) Narrative outlining a plan of action pertaining to the scope and detail of how the proposed work will be accomplished.
- (b) The area agency on aging must monitor and evaluate contract provisions as specified above.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1610. Reporting status.**

By December 31 each year, the area agency on aging will send a written report to the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services regarding the status of all multipurpose senior centers covered by this subpart.

**Authority.** Arkansas Code § 25-10-129.

**Subpart 17. Transportation**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority:

Older Americans Act of 1965, as amended

Arkansas Code 27-23-101 et. seq.

Arkansas Code 27-22-103 et. seq."

"Effective: 04/01/99"

**20 CAR § 430-1701. Purpose.**

The purpose of this subpart is to implement the requirements of the Older Americans Act, 42 U.S.C. § 3001 et seq., and the State of Arkansas regarding the provision of transportation services to older individuals with greatest economic or social need, with particular attention to low-income minority individuals.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1702. Scope.**

This subpart applies to all area agencies on aging and subcontractors providing transportation services in Arkansas.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1703. Policy statement.**

(a) Area agencies on aging shall provide for transportation services throughout the area to meet the common need for transportation of service participants.

(b) Transportation services must include transportation program development and must include but not be limited to:

- (1) Transportation management provisions for required insurance coverage;
- (2) Driver requirements and responsibilities;
- (3) Maintenance and safety;
- (4) Vehicle operation limitations;

- (5) Driver training; and
- (6) Subcontractor assessments.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1704. Definitions.**

As used in this subpart:

(1)(A) "Commercial motor vehicle (CMV)" means a vehicle used in commerce and:

- (i) Designed to carry sixteen (16) passengers including the driver;
- (ii) Having a gross vehicle weight rating (GVWR) of twenty-six thousand one (26,001) or more pounds; or
- (iii) Used to carry hazardous materials.

(B) Commercial motor vehicles for passenger transportation fall into two (2) categories:

(i)(a) Drivers of a bus with a GVWR of twenty-six thousand one (26,001) or more pounds must have a Class B license with a "Passenger" endorsement.

(b) The Class B license will also note if the driver is restricted from operating a CMV equipped with air brakes; and

(ii) Drivers of a vehicle with a GVWR of under twenty-six thousand one (26,001) pounds and designed to carry sixteen (16) passengers or more, including the driver, must have a Class C license with a "Passenger" endorsement.

(C) Drivers of any vehicle which is not a commercial vehicle as described above would have a Class D license.

(D) Unit definition: one (1) one-way trip; and

(2) "Transportation" means transporting a client from one (1) location to another by public or private vehicle so the client has access to needed service, care, or assistance.

**Authority.** Arkansas Code § 25-10-129.

## **20 CAR § 430-1705. Procedural requirements.**

### **(a) Eligibility.**

(1) The preferred target group consists of eligible persons with the greatest economic or social needs, particularly low-income minority elderly.

(2) Eligibility criteria:

(A) Any person sixty (60) or more years of age;

(B) The spouse of a sixty-plus (60+) program participant;

(C) An individual with a disability or disabilities, not yet age sixty (60), who resides in the home with and accompanies older persons eligible under the Older Americans Act, 42 U.S.C. § 3001 et seq., when the care and maintenance of the person with disabilities would otherwise prevent participation of the older person (see Social Services Block Grant (SSBG) if SSBG client), and if participation of the person with disabilities will not prevent participation of older persons and their spouses; or

(D) Persons age sixty (60) or more who meet SSBG income, residence, and need for service criteria, if served by SSBG funds.

(3) A means test may not be used to determine eligibility unless required by a specific funding source.

### **(b) Transportation agreements.**

(1) Area agencies on aging must consider all transportation alternatives available, including the use of volunteers or purchased services, in attempting to meet the total unmet transit needs identified.

(2) Area agencies on aging must coordinate and/or enter into agreements with agencies which provide services to older individuals in the planning and service area.

### **(c) Transportation development.**

(1) Each area agency on aging must require subcontractors for client transportation services to coordinate in both the development and implementation of any locally or state approved transportation development programs.

(2) Priority must be given to the transporting of participants to essential services as identified by the area agency on aging's area plan.

(3) Transportation subcontractors must make service available to handicapped mobility impaired older persons in the contract area.

(4) Transportation subcontractors must comply with the United States Department of Health and Human Services regulation under Title VI of the Civil Rights Act, 42 U.S.C. § 2000d et seq.

**Authority.** Arkansas Code § 25-10-129.

## **20 CAR § 430-1706. Transportation management.**

### **(a) Policies and procedures.**

(1) Transportation subcontractors must develop written policies and procedures that include operational procedures and general requirements pertaining to service provision.

(2) Procedures also must include:

(A)(i) A system for subcontractors to report to the area agency on aging any:

(a) Serious accident which requires emergency medical attention by a paramedic, nurse, or physician;

(b) Disruption of service delivery; or

(c) Other occurrence that could adversely affect the program.

(ii) The area agency on aging should be notified immediately of any such occurrence with a follow-up, in writing, to be received no later than three (3) working days after the occurrence; and

(B) A system for subcontractors to encourage program contributions while maintaining confidentiality of contributors and amounts and ensuring that eligible persons will not be denied service because they do not contribute.

### **(b) Insurance coverage.** Transportation subcontractors must:

(1) Comply with the following insurance requirements:

(A)(i) Insurance coverage must be provided by a carrier with the Best's Insurance Reports rating of at least "A", class size XII.

(ii) The carrier should be licensed and admitted to do business in Arkansas; and

(B) Liability limits must be equal to or exceed the minimum required by law, Arkansas Code § 27-22-104;

(2) Supply documentation that they carry insurance in the preceding amounts or produce a guarantee of equivalent coverage;

(3) Give immediate, or at least not to exceed, a thirty-day notice in the event of cancellation or material change in coverage; and

(4) Keep proof of liability insurance in the vehicle glove box in compliance with Arkansas Code § 27-22-103.

**(c) Driver selection.**

(1) In addition to the general personnel selection procedures of the organization, selection of vehicle drivers must include:

(A) Verifying that the applicant has a valid Arkansas driver's license;

(B) Verifying that within the past three (3) years, the applicant has:

(i) Had no more than one (1) moving traffic violation;

(ii) Had no driving while intoxicated convictions; and

(iii) Not been involved in any at-fault accidents; and

(C)(i) Arranging for drug and alcohol testing for all drivers with commercial driver licenses operating commercial motor vehicles.

(ii) This includes preemployment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing.

(2)(A) In addition, area agencies on aging and transportation subcontractors must comply with state and federal motor carrier safety regulations for each driver they select who:

(i) Operates a commercial motor vehicle in interstate or intrastate commerce; and

(ii) Is subject to commercial driver license requirements.

(B)(i) The Federal Motor Carrier Safety Regulations Manual can be purchased from the Arkansas Motor Carrier Association.

(ii) Controlled substance testing, driver qualification and record files, annual traffic violation record checks, and driver medical examiner's certificate are just a few of the regulations covered in the manual.

**(d) Driver license requirements and training.**

(1) Before a new driver begins driving for the area agency on aging or transportation subcontractor under the transportation program, the area agency on aging or transportation subcontractor must certify that the vehicle driver is currently licensed for the type of vehicle to be driven in compliance with the Arkansas Uniform Commercial Driver License Act, Arkansas Code § 27-23-101 et seq.

**(2) Driver license requirements.**

(A) Drivers of vehicles with a design capacity for fifteen (15) passengers or less must have a current Class D license.

(B) Drivers of commercial motor vehicles must have a current commercial driver license of the appropriate class and endorsement (see definitions, 20 CAR § 430-1704).

**(3) Training.**

(A) Before a new driver begins driving for the area agency on aging or transportation subcontractor under the transportation program, he or she must be fully briefed by the area agency on aging or transportation subcontractor about the transportation program, reporting forms, vehicle operation, and the geographic area in which they will operate their vehicles.

(B) Drivers must be road tested by the area agency on aging or transportation subcontractor with each kind of vehicle to be driven before the driver begins driving for the area agency on aging or transportation subcontractor under the transportation program.

(C) Before new drivers begin driving for the area agency on aging or transportation subcontractor under the transportation program, drivers must be trained by the area agency on aging or transportation subcontractor to use any special equipment installed on their vehicles such as:

(i) Wheelchair lifts;

- (ii) Oxygen equipment; and
- (iii) Two-way radios.

(D) Within the first year of employment, drivers must successfully complete:

- (i) The National Safety Council Defensive Driving Course;
- (ii) Driver's Education Program for Aging Transportation Systems; or
- (iii) An approved equivalent.

(E) Within the first year of employment, drivers must successfully complete an approved course in first-aid training with certification kept up-to-date.

(4)(A) At the time of employment and annually thereafter, drivers must have a physical examination by a licensed physician as to their physical fitness and ability to safely operate a vehicle.

(B)(i) A current physical examination must be kept on file for each driver.

(ii) If approved by the area agency on aging, this may be done by a registered nurse.

(5) Documentation of valid driver's license for the type of vehicle to be driven and training must be maintained for all drivers.

**(e) Driver evaluation.**

(1) Transportation subcontractors must have a written plan for evaluating each driver's ability to transport the elderly and handicapped and for documenting performance.

(2) Evaluation methods must include at least the following:

(A)(i) Annual observation, unless there is cause to justify more frequent observation, such as calls or reports of unsafe driving, of each driver's on-the-job performance.

(ii) The supervisor should ride with the driver to observe his or her driving techniques; and

(B)(i) Annual review of each driver's responsibilities and performance.

(ii) As part of the annual review, drivers must receive an annual briefing which covers:

(a) Changes in the transportation program;  
(b) Reporting forms; and  
(c) Vehicle operation, including the operation of special equipment.

(iii) It should be noted on the annual review that the driver was briefed on the transportation program.

(f) **Driver responsibilities.** Transportation subcontractors must establish driver responsibilities that include at least the following:

(1) Drivers will complete vehicle preoperational, maintenance, and safety check log as required in subdivision (g)(3)(E) of this section;

(2) Drivers will observe the following safety precautions:

(A) Ensure that the vehicle interior is free of trash and other hazards;

(B) Ensure that all passengers are seated before the vehicle is put into motion and remain seated while the vehicle is in motion;

(C) Ensure that passengers, except those expressly excluded from statutory coverage, use and properly fasten seat safety belts in motor vehicles equipped with seat safety belts before vehicle is put into operation;

(D) Not allow firearms;

(E) Not allow alcoholic beverages in open containers;

(F) Not allow animals in the vehicles, except for service dogs;

(G) Ensure that all packages are safely stored before putting the vehicle in motion;

(H) Assistance is offered to a passenger to enter and exit the vehicle;

(I) Ensure that passengers enter and exit the vehicle in unobstructed and safe locations;

(J) Use all necessary safety equipment (seat belts and tiedowns);

(K) Observe all posted speed limits and modify driving according to weather hazards;

(L) Not use alcohol prior to or while driving;

(M) Not use any prescribed or patent medication that may impair driving ability prior to or while driving;

(N) Refrain from smoking while in the vehicle; and

(O) Help arrange escort assistance for a client requesting and in need of this service;

(3) Drivers are authorized to deny transportation to a service recipient attempting to board the vehicle who in the judgment of the driver:

(A) Is intoxicated;

(B) Is smoking;

(C) Is too ill to be transported safely;

(D) Refuses to use and properly fasten seat safety belt;

(E) Demonstrates violent or unruly behavior; or

(F) Insists on transporting prohibited items; and

(4)(A) Driver must report to the area agency on aging or transportation subcontractor any and all incidents of denial of services as soon as possible.

(B) This can be reported verbally, to be followed up in writing to be received no later than three (3) working days after the occurrence.

**(g) Maintenance and safety.**

(1) Transportation subcontractors must implement and manage a maintenance program in accordance with the manufacturer's recommended maintenance schedule or an approved schedule based on actual operating conditions.

(2) Transportation subcontractors must provide the following safety equipment and items on each vehicle:

(A)(i) First-aid kit.

(ii) An example of Occupational Safety and Health Administration kit is attached, see Appendix A;

(B) Approved United States Coast Guard fire extinguisher;

(C) Triangular reflective warning devices;

(D) Flashlight;

(E) Chains or other traction aids, if vehicles are driven during hazardous winter driving conditions;

(F) Accident report forms;

(G) Heavy-duty jumper cables (optional);

(H) Emergency numbers readily available for passengers and driver;

(I) Regulatory signs regarding no smoking and seat safety belt use requirement;

(J) Web cutter;

(K) Spare tire; and

(L) Jack.

(3) Transportation subcontractors must maintain a vehicle record file containing the following information:

(A) Vehicle identification number;

(B) Vehicle maintenance history including:

(i) Type;

(ii) Date performed; and

(iii) Mileage;

(C)(i) Vehicle accident/incident report listing:

(a) Incident description;

(b) Date;

(c) Driver and passengers; and

(d) Addresses and telephone numbers, if not on file, of passengers.

(ii) An example of a Motor Vehicle Accident Report is attached, see Appendix B;

(D) Vehicle equipment check log verifying that special equipment has been checked according to the suggested schedule of the manufacturer, or at least semiannually; and

(E)(i) Vehicle preoperational, maintenance, and safety check log recorded at the beginning of each work day and indicating relevant equipment is operational and the vehicle has not been damaged.

(ii) Example of one is attached, see Appendix C.

(4)(A) Transportation subcontractors with commercial motor vehicles and those designed to carry sixteen (16) or more passengers, including the driver, must have an annual safety inspection on their commercial motor vehicles.

(B) This inspection report should be on the Division of Arkansas State Police Commercial Motor Vehicle Inspection Report Form.

(C) This completed form should be kept in the vehicle's glove compartment.

(h) **Vehicle operation limitations.** Vehicle operation should be subject to the following restrictions:

(1) All vehicles should be secured when not in service; and

(2) Vehicles purchased with federal or state funds must not be used for personal use.

(i) **Smoking policy.** Transportation subcontractors must ensure that smoking will not be permitted on any vehicle used to provide transportation services and that signs prohibiting smoking will be prominently displayed in each vehicle.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1707. Subcontractor assessment.**

(a)(1) Each area agency on aging must complete a written provider assessment at least once a year on each transportation subcontractor in accordance with 20 CAR § 430-1301 et seq., Subcontractor Assessments.

(2) The area agency on aging subcontractor assessment tool should include, but is not limited to, everything covered in this subpart.

(b)(1) Each annual assessment of the area agency on aging by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services will

include, at a minimum, a review of the area agency on aging transportation program and a random on-site review of transportation services provided by a subcontractor.

(2) The division will go by the area agency on aging's most recent, completed subcontractor assessment for the subcontractor visited when conducting their random on-site review.

**Authority.** Arkansas Code § 25-10-129.

### **Subpart 18. Program Development**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority  
Older Americans Act of 1965, as amended  
45 CFR Part 1321"

"Effective Date: 01/01/91"

#### **20 CAR § 430-1801. Purpose.**

This subpart specifies when an area agency on aging may request Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services approval for program development funding.

**Authority.** Arkansas Code § 25-10-129.

#### **20 CAR § 430-1802. Scope.**

The scope of this subpart is all Arkansas area agencies on aging.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1803. Policy statement.**

The area agency on aging will spend Title III funds on program development and coordinated activities only with the approval of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services and in accordance with procedures established by the division.

**Authority.** Arkansas Code § 25-10-129.

**Subpart 19. Eldercare**

**20 CAR § 430-1901. Scope.**

This subpart applies to all contracted eldercare services administered or provided by area agencies on aging and local providers receiving Title III funds.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1902. Definitions.**

As used in this subpart:

(1) "Business" means any company, corporation, or organization whose primary purpose is to produce a product or provide a service for a profit;

(2)(A) "Eldercare" means a service provided to an organization on behalf of its older employees or employees who have caregiver responsibilities for elderly relatives.

(B) This service most often includes information and referral, but may include case management or other programs;

(3) "Exclusive contract" means any agreement or contract between a business or its intermediary and an area agency on aging which restrains an area agency on aging from providing eldercare services to any other business or intermediary; and

(4) "Intermediary" means any representative or an agent which provides third-party payment reimbursement for benefits provided to employees of a business.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-1903. Procedural requirements.**

**(a) Responsibilities of the division.**

(1) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services is responsible for oversight of area agency on aging eldercare activities to ensure that such activities do not conflict with the primary mission of the area agencies on aging.

(2) This responsibility includes:

(A) Establishing guidelines and procedures for eldercare activities;

(B) Review and approval of the eldercare portion of the area plan;

(C) Compliance review by use of the attached assessment form in Attachment A; and

(D) In case of noncompliance, identification and prescription of corrective action.

**(b) Responsibilities of an area agency on aging.** Each area agency on aging shall:

(1)(A) Ensure that the area agency on aging or other service providers under an area plan will not enter an eldercare contract which would preclude any other business firm from obtaining the same type of eldercare, or similar, services from the area agency on aging or service provider under the area plan.

(B) This assurance must be signed by the area agency on aging's board and submitted in the area plan;

(2) Specify whether the area agency on aging intends to provide the eldercare service or services directly or whether a service provider under the area plan intends to provide the eldercare service or services;

(3) Specify precisely what eldercare service or services is to be provided;

(4)(A) Ensure that both expenses and costs incurred and revenues received under an eldercare contract are accounted for separately from Older Americans Act, 42 U.S.C. § 3001 et seq., funds and other public funds.

(B) The area agency on aging or service provider must demonstrate to the division that its cost accounting system meets this requirement;

(5)(A) Ensure that the contract between the service provider and the business or intermediary pay all costs associated with the services being provided under the contract.

(B) This should include startup costs, administrative costs, overhead costs, or any other costs connected to these services;

(6) Ensure that state funds, Older Americans Act funds, and/or any related matching funds will not be used under any circumstances to offset the cost of services provided under the eldercare contract;

(7)(A) Ensure that the area agency on aging or service provider will disclose to the division all provisions and terms of each eldercare contract.

(B) These contracts may not require withholding of information or require conduct inconsistent with the public interest.

(C) The division will have the authority to determine which provisions of the contract are to be made public and which may be kept confidential;

(8) Ensure that eldercare contracts will not conflict with or prevent the area agency on aging from performing its mission under the Older Americans Act and the Title III regulations, including:

(A) Staff may not be used to provide services under such a contract if their use will diminish services to target populations; and

(B) Persons who receive eldercare services through a corporate contract may not be placed at the top of a waiting list ahead of target population members;

(9) Ensure that the division will be given the opportunity to monitor and to assess the area agency on aging's compliance with all of the provisions of the division's eldercare policy and shall submit such reports as may be deemed necessary by the division; and

(10) Funds received from eldercare contracts in excess of those used to deliver contracted services shall be allocated to further extend services for older persons within the target population of the area agency on aging.

**Authority.** Arkansas Code § 25-10-129.

## **Subpart 20. Information and Assistance**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority:

Older Americans Act of 1965, as amended.

45 CFR Part 1321.

Americans with Disabilities Act of 1990.

Arkansas Code Annotated Section 25-10-101 et seq."

"Effective: July 1, 1996"

### **20 CAR § 430-2001. Purpose.**

The purpose of this subpart is to implement requirements of the Older Americans Act, 42 U.S.C. § 3001 et seq., that all older persons, particularly the socially and economically disadvantaged, have reasonably convenient access to information about the programs, services, and benefits for which they are eligible and assistance with referral to those services where necessary or requested.

**Authority.** Arkansas Code § 25-10-129.

### **20 CAR § 430-2002. Scope.**

This subpart applies to all area agencies on aging and to their local service providers with whom they have contracted for information and assistance services under the Older Americans Act of 1965, 42 U.S.C. § 3001 et seq., as amended and/or other funding sources covered by area plans.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2003. Policy statement.**

(a)(1) Area agencies on aging shall provide for the establishment and maintenance of information and assistance services to older individuals in their planning and service areas as required by the Older Americans Act of 1965, 42 U.S.C. § 3001 et seq., as amended.

(2) These priority services shall be available in sufficient numbers and provided in an accessible manner to ensure that all older individuals in the planning and service area, including disabled and non-English speaking, socially and economically disadvantaged older persons, especially minorities, will have reasonably convenient access to such services.

(b)(1) Emphasis shall be on linking available services to isolated older individuals and older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction, and the caretakers of such individuals.

(2) All informational material will be made available in an alternative format upon request.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2004. Definitions.**

As used in this subpart:

(1) "Access services" means those services associated with access to services, i.e., transportation, outreach, information and assistance, and case management/client representation;

(2) "Assistive technology" means technology, engineering methodologies, or scientific principles appropriate to meet the needs of, and address the barriers confronted by, older individuals with functional limitations;

(3) "Direct services" means services to older persons performed by the area agency on aging rather than contracted to a local service provider;

(4)(A) "Follow-up" means contact with client, family member, or provider to determine if service/benefit was provided as requested.

(B) It is an integral part of client referral;

(5) "Information and assistance (I & A)", formerly "information and referral", means a service for older individuals that:

(A) Provides older individuals and their caretakers with current information about opportunities, benefits, and services available to the individuals within their communities, including information relating to assistive technology;

(B) Assesses the problems and capacities of the individuals;

(C) Links individuals to the opportunities, benefits, and services that are available;

(D) To the maximum extent practicable, ensures that the individuals receive the benefits and services they need and are aware of the opportunities available to them by establishing adequate follow-up procedures;

(E) Serves the entire community of older individuals, particularly:

(i) Older individuals with greatest social need; and

(ii) Older individuals with greatest economic need; and

(F) Is part of a continuum of services;

(6) "Information contact" means the provision of specific information in response to an inquiry;

(7) "Priority services" means access, in-home, and legal assistance;

(8) "Referral" means contact with a service or benefit provider on behalf of a client to ensure service/benefit delivery; and

(9) "Unit of I & A services" means a one-to-one contact provided in verbal or written form.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2005. Access service.**

In order to ensure the provision of services in sufficient numbers and with reasonably convenient access by older persons, the area agency on aging must:

(1) Establish and maintain a centrally located I & A telephone service which has:

(A) A widely advertised toll-free and telephone devices for the deaf (TDD) telephone number or numbers;

(B) A staff of employees and/or volunteers trained to give accurate information about services, benefits, and available resources through response to telephone, mail, and walk-in inquiries;

(C) A continually updated resource file of services, benefits, and other resources available to older persons in the area agency on aging planning and service area, including the eligibility requirements for such benefits and services;

(D) A list of translators and interpreters available to assist non-English speaking and deaf clients in obtaining information about and referral to services, benefits, and other resources for which they are eligible;

(E) Procedures to protect the confidentiality of information about I & A clients, which include the provision of locked files for client information; or

(F)(i) The option to contract with a local service provider to provide I & A services.

(ii) However, the area agency on aging must provide:

(a) Widely advertised telephone and TDD access numbers for complaints and case management;

(b) A list of translators and interpreters to assist the non-English speaking client; and

(c) A regularly updated resource directory.

(iii) Please refer to 20 CAR § 430-2006 for contract requirements;

(2)(A) Publish during the first year of the area plan cycle an updated resource directory that is available upon request to any interested party.

(B) A copy of the current resource directory will be placed in each senior center.

(C) The resource directory must contain:

(i)(a) The names, addresses, and telephone numbers of the agencies and satellite offices providing services and/or benefits for the elderly in the planning and service area.

(b) The directory should indicate where potential charges may be involved in the provision of a service; and

(ii) Category sections for the most frequently requested types of services: housing, Social Security, employment, home health, Medicaid, etc.;

(3) Ensure access to information and assistance services by older persons in the planning and service area through the requirement that senior centers and provider agencies will:

(A) Have available a copy of the most recent area agency on aging resource directory and Public Benefits for Arkansas Seniors for use by program participants;

(B) Display current information regarding available programs and benefits, preferably on a bulletin board;

(C) Prominently display the area agency on aging toll-free and TDD telephone numbers, identifying these numbers as the place to call for information about services and benefits not available at the center or agency; and

(D) Maintain a tally of information calls and a telephone log of referrals provided to center participants and other persons by center and area agency on aging staff;

(4) Document the provision of required annual training for I & A staff and area agency on aging providers;

(5) Participate in regional inter-agency councils, Unified Community Resource councils, and other information sharing organizations and coordinate with other

agencies providing services, benefits, and opportunities for seniors in the planning and service area;

(6) Disseminate current information on the availability of services, benefits, and opportunities for older persons to area agency on aging staff and service providers;

(7) Advertise services through:

- (A) Local news articles;
- (B) Radio and TV shows;
- (C) Public service announcements;
- (D) Flyers;
- (E) Speeches to local civic and church groups; and
- (F) County information fairs;

(8)(A) Maintain records of requests for information by telephone, letter, or in-person and a telephone log of referrals and follow-ups to referrals.

(B) A tally sheet of calls and telephone log of referrals and of follow-ups done is the minimum requirement.

(C) It is recommended, but not required, that the service maintain a record of the type of calls received and of gaps in services.

(D) Sample records are provided in Attachment B;

(9) Develop written policies and procedures for the service;

(10) Develop and maintain coordinative agreements for inter-agency referrals with organizations and agencies providing services, opportunities, and benefits for older persons in the planning and service area;

(11) Meet Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services service reporting requirements;

(12) Staff the information and assistance service with trained personnel, preferably a full-time specialist who will be responsible for:

- (A) Provision of accurate information in verbal or written form;
- (B) The maintenance of the updated resource file;
- (C) The revision of the area resource directory;

(D) Assistance in liaison with other agencies providing services and benefits to older persons;

(E) Assistance with the orientation and training of front line telephone workers and area agency on aging service providers in the provision of I & A;

(F) Assistance with the development of area agency on aging policy and procedures for I & A; and

(G) If possible, participation in local and statewide professional associations for professional development and training;

(13) Each area agency on aging is encouraged to meet the National Standards for Older Americans Act Information and Referral Services developed from Inform USA and United Way of America standards (see Attachment C);

(14) Each area agency on aging is requested to integrate the I & A service into its other services to provide a continuum of access to services for all older persons as they move from self-sufficiency to assisted life in the community; and

(15)(A) Each area agency on aging is requested to develop and utilize a uniform procedure to meet out-of-state requests for information and assistance from long-distance caregivers.

(B) If at all possible, the out-of-state caller should not be asked to call another agency.

(C) Follow-up on these referrals is especially critical for clients whose families live out-of-state.

**Authority.** Arkansas Code § 25-10-129.

### **20 CAR § 430-2006. Contracted services.**

(a)(1) An area agency on aging may contract with local service providers to provide I & A services at senior centers or other sites following the requirements outlined in 20 CAR § 430-2005.

(2) The area agency on aging must assess the contracted service annually and must require that:

(A) The I & A service provider will publicize and coordinate the service as required of the area agency on aging in 20 CAR § 430-2005;

(B) The provider will meet Department of Human Services and Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services reporting and recordkeeping requirements;

(C) The provider shall develop and maintain written policies and procedures for the operation of the service, especially for the referral of clients to the area agency on aging for:

(i) Targeted case management;

(ii) Client representation;

(iii) Legal assistance; and

(iv) Advocacy services;

(D)(i) Provider staff will participate in the required annual training provided by the area agency on aging.

(ii) This training should include subjects such as cultural awareness, communication with sensorially deprived older persons, interviewing techniques, as well as services and benefits available to older persons and the eligibility requirements for the services and benefits.

(iii) Documentation of training provided must be on file; and

(E) The provider who also provides senior center services in addition to I & A services shall be subject to the standards for access by older persons found in 20 CAR § 430-2005(3).

(b) Each RFP and contract for I & A services will contain the above requirements as part of the description and scope of work and minimum standards required.

(c)(1) Area agencies on aging contracting for I & A services shall develop written policies and procedures for the coordination of I & A by its case management, client representation, and advocacy staff with its contracted providers of I & A.

(2) The multi-tiered information and assistance system should be carefully monitored for the possibility of barriers to reasonably convenient access to the services by older persons in the planning and service area.

(3) If possible, the area agency on aging should respond to a simple request for information rather than referring the caller to the provider of I & A services.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "RFP" means request for proposals.

**20 CAR § 430-2007. Assessments.**

The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services will assess the information and assistance service of each area agency on aging at least once during an area plan cycle for compliance with the standards listed in this procedure (see the assessment guide, Attachment A).

**Authority.** Arkansas Code § 25-10-129.

**Subpart 21. Advocacy Requirements for Area Agencies on Aging**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority  
Older Americans Act"

"Effective Date 1/1/92"

**20 CAR § 430-2101. Purpose.**

The purpose of this subpart is to fulfill the requirements of the Older Americans Act, 42 U.S.C. § 3001 et seq.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2102. Scope.**

This subpart applies to all area agencies on aging.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2103. Policy statement.**

In order to fulfill its role, each area agency on aging will:

(1) Furnish appropriate technical assistance to providers of supportive services, nutrition services, or multipurpose senior centers in the planning and service area covered by the area plan;

(2) Take into account in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

(3) Serve as the advocate and focal point for the elderly within the community by monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect the elderly;

(4) Where possible, enter into arrangements with organizations providing daycare services for children or adults and respite for families so as to provide opportunities for older individuals to aid or assist on a voluntary basis in the delivery of such services to children, adults, and families;

(5) Develop and publish methods by which priority of services is determined, particularly with respect to the delivery of priority services;

(6) Establish effective and efficient procedures for coordination between the programs assisted under this part and programs described below:

(A) The Job Training Partnership Act, 29 U.S.C. § 1501 et seq. [repealed];

(B) Title II of the Domestic Volunteer Service Act of 1973, 42 U.S.C. § 5000 et seq.;

(C) Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;

(D) Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq.;

- (E) Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.;
  - (F) Title XX of the Social Security Act, 42 U.S.C. § 1397 et seq.;
  - (G) Section 231 of the National Housing Act, 12 U.S.C. § 1715v and Section 232 of the National Housing Act, 12 U.S.C. § 1715w;
  - (H) The United States Housing Act of 1937, 42 U.S.C. § 1437 et seq.;
  - (I) Section 202 of the Housing Act of 1959, 12 U.S.C. § 1701q;
  - (J) Title I of the Housing and Community Development Act of 1974, 42 U.S.C. § 5301 et seq.;
  - (K) Title I of the Higher Education Act of 1965, 42 U.S.C. § 1001 et seq., and the Adult Education Act, 20 U.S.C. § 9201 et seq.;
  - (L) Sections 3, 9, and 16 of the Urban Mass Transportation Act of 1964, Pub. L. No. 88-365;
  - (M) The Public Health Service Act, 42 U.S.C. § 201 et seq., including block grants under Title XIX of such act;
  - (N) The Low-Income Home Energy Assistance Act of 1981, 42 U.S.C. § 8621 et seq.;
  - (O) Title IV, Part A of the Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. § 6861 et seq., relating to weatherization assistance for low-income persons;
  - (P) The Community Services Block Grant Act, 42 U.S.C. § 9901 et seq.;
  - (Q) Demographic statistics and analysis programs conducted by the United States Bureau of the Census under Title 13, United States Code;
  - (R) Part II and III of Title 38, United States Code;
  - (S) The Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.; and
  - (T) The Developmental Disabilities and Bill of Rights Act, 42 U.S.C. § 15001 et seq.;
- (7) Conduct efforts to facilitate the coordination of community-based long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to emphasize the development of client-centered case management systems as a component of such services;

(8) Identify the public and private nonprofit entities involved in the prevention, identification, and treatment of the abuse, neglect, and exploitation of older individuals, and based on such identification, determine the extent to which the need for appropriate services for such individuals is unmet;

(9) Facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities;

(10) Coordinate the categories of services specified in subdivision (2) of this section for which the area agency on aging is required to expend funds under Part B, with activities of community-based organizations established for the benefit of victims of Alzheimer's disease and the families of such victims;

(11) Coordinate any mental health services provided with funds expended by the area agency on aging for Part B with the mental health services provided by community health centers and by other public agencies and nonprofit private organizations;

(12) If there is a significant population of older Indians in the planning and service area of the area agency on aging, the area agency on aging shall conduct outreach activities to identify elder Indians in such area and shall inform such older Indians of the availability of assistance under this act;

(13) Compile available information on institutions of higher education in the planning and service area regarding:

(A) The courses of study offered to older individuals by such institutions;  
and

(B) The policies of such institutions with respect to the enrollment of older individuals with little or no payment of tuition, on a space available basis, or on another special basis, and include in such compilation such related supplementary information as may be necessary, and based on the results of such compilation, make a summary of such information available to older individuals at:

- (i) Multipurpose senior centers;
- (ii) Congregate nutrition sites; and

(iii) Other appropriate places; and

(14) With funds and information received under Section 307(a)(31) of the Older Americans Act, 42 U.S.C. § 3027(a)(31) [repealed] from the state agency:

(A) Carry out activities to identify older individuals with greatest economic need who may be eligible to receive, but are not receiving:

(i) Supplemental Security Income benefits under Title XVI of the Social Security Act or assistance under a state plan program under Title XVI of that act;

(ii) Medical assistance under Title XIX of the Social Security Act; and

(iii) Benefits under the Food Stamp Act of 1977;

(B) Conduct outreach activities to inform older individuals of the requirements for eligibility to receive such assistance and such benefits; and

(C) Assist older individuals to apply for such assistance and such benefits.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** The Job Training Partnership Act, 29 U.S.C. § 1501 et seq., was repealed by Pub. L. No. 105-220.

Section 307(a)(31) of the Older Americans Act, 42 U.S.C. § 3027(a)(31), was repealed by Pub. L. No. 102-375.

The Food Stamp Act of 1977 was enacted as Title XIII of Pub. L. No. 91-113.

## **Subpart 22. Client Representation**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Scope

These procedure define and govern the provision of client representation services and apply to all Arkansas area agencies on aging (AAA)."

"General Authority

Older Americans Act of 1965 as amended

Arkansas Code Annotated Section 25-10-101 et. seq."

"Effective Date: October 1, 1995"

**20 CAR § 430-2201. Purpose.**

(a) The purpose of this subpart is to ensure that all older individuals receiving client representation will have their needs assessed and that services to meet those needs will either be provided directly by the client representative or arranged for in an organized and consistent manner.

(b)(1) Client representation includes, but is not limited to, such things as:

(A) Outreach;

(B) Referral for legal assistance;

(C) Providing information on and determining eligibility for public benefits such as QMB and SLMB;

(D) Assisting with completion of applications and paperwork;

(E) Attending meetings on behalf of clients; and

(F) Information and assistance.

(2) Travel and waiting time are also included.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "QMB" means Qualified Medicare Beneficiary.

"SLMB" means Specified Low-income Medicare Beneficiary.

**20 CAR § 430-2202. Scope.**

This subpart applies to all area agencies on aging and/or providers providing client representation services to eligible individuals.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2203. Policy statement.**

Providers who receive funds for client representation services that they provide to frail, older individuals, particularly those who have low incomes, are in the greatest economic need, and/or are in the minority must comply with state rules and federal regulations pertaining to the funding and delivery of such services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2204. Definitions.**

As used in this subpart:

(1)(A) "Active client" means a client who is receiving services coordinated by the area agency on aging.

(B) "Active client" also means a client for whom services have not been terminated;

(2) "Area plan" means an area agency on aging plan of operation which has been approved by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

(3) "Assessment" means the process of determining the type and extent of assistance needed by a client;

(4)(A) "Assistance" means linkage with appropriate resource or resources to ensure that necessary service will be delivered to the client.

(B) "Assistance" must include contact and follow-up with the provider and/or client;

(5) "Case file" means a file containing all relevant information about an individual client and meeting the specifications of applicable procedures;

(6)(A)(i) "Case management" means an activity under which responsibility for locating, coordinating, and monitoring necessary and appropriate services for a client rests with a specific person.

(ii) Case management services will assist clients in gaining access to all needed medical, social, educational, and other services, informal and formal, regardless of source.

(iii) Case management also may be provided to individuals who are at risk of abuse, neglect, or exploitation in order to determine the proper placement and/or need for services, including protective services.

(B) "Case management" includes examining and reexamining the client's needs and altering the service plan to meet the changing needs.

(C) "Case management" also includes measuring the client's progress toward specific goals;

(7) "Client Bill of Rights" means a list of rights to which all area agency on aging clients are entitled;

(8) "Client record". See "case file", subdivision (5) of this section;

(9)(A) "Client representation" means an activity under which a client's needs are assessed and services to meet these needs are either provided directly by the client representative or arranged for in an organized and consistent manner.

(B)(i) "Client representation" includes, but is not limited to, such things as:

(a) Outreach;

(b) Referral for legal assistance;

(c) Providing information on and determining eligibility for public benefits such as QMB and SLMB;

(d) Assisting with completion of applications and paperwork;

(e) Attending meetings on behalf of clients; and

(f) Information and assistance.

(ii) Travel and waiting time are also included.

(C) "Client representation" excludes any service covered by Title XIX under the Targeted Case Management Program for an eligible Medicaid recipient.

(D) "Client representation". See "case file", subdivision (5) of this section;

(10) "Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services" means the agency of the state government to which the Governor and the General Assembly have assigned responsibility for all matters relating to the needs of older adults in Arkansas;

(11) "Formal service provider" means the paid provider of services;

(12) "Informal provider" means an unpaid provider of services or assistance, such as a client, family member, and/or a friend;

(13)(A) "Information and assistance" means the provision of concrete information to a client about available public and/or voluntary services and linkages to ensure the service will be delivered to the client.

(B) "Information and assistance" includes contact with a provider or providers and/or a family member or family members on client's behalf;

(14) "Intake" means initial information gathering and preliminary evaluation of the client's need for services;

(15) "Follow-up" means checking with clients regarding outcome of action taken and any need for further services; and

(16) "Unit" means a measurement of work for which funds are disbursed in payments for services rendered.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "QMB" means Qualified Medicare Beneficiary.

"SLMB" means Specified Low-income Medicare Beneficiary.

## **20 CAR § 430-2205. Procedural requirements.**

(a) Responsibilities of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services:

(1) Authorize the provision of client representation to the eligible clients in the State of Arkansas;

(2) Prescribe, promulgate, and enforce policies, standards, rules, and procedures governing the provision of client representation;

(3) Establish a formula for the apportionment of funding for client representation to the eight (8) area agencies on aging;

(4) Develop program reports and data collection forms to standardize reporting of client representation;

(5) Provide technical assistance as needed for the development and provision of client representation services;

(6) Issue general revenue and Title III grant awards to area agencies on aging and monitor expenditures and services under those grants;

(7) Review and approve client representation components of the area agency on aging area plans; and

(8) Evaluate the client representation services provided by each area agency on aging to ensure compliance with program policies and procedures.

(b) Responsibilities of the area agencies on aging:

(1) Comply with policies, standards, rules, and procedures governing the provision of client representation;

(2) Comply with division assurances included in the area plan;

(3) Plan, develop, and provide services in compliance with directives of the division;

(4)(A) Integrate client representation into the continuum of services which includes outreach, information and assistance, and case management.

(B) Include client representation in the area plan in accordance with the requirements of the division;

(5) Submit all required budgetary and service information;

- (6) Submit monthly requests for funds in accordance with governing regulations;
- (7) Maintain program activity data as required by the division; and
- (8) Resolve client complaints in accordance with division policies and procedures.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2206. Program administration.**

(a) General requirements:

(1) Ensure that individuals who request or are referred for client representation services are assessed for eligibility and that findings are documented;

(2)(A) Provide or arrange for mandatory ten (10) hours per year of training for all staff providing client representation services.

(B) Document training in staff records as to duration, content, and subject matter.

(C) Training will include at a minimum:

(i) Techniques to improve ability to advocate;

(ii) Evaluation and interviewing techniques;

(iii) Recordkeeping procedures;

(iv) Updates on available benefits; and

(v) Group discussions of common problems;

(3) Maintain personnel records as required by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(4) Require providers of client representation services to abide by a code of ethics which requires that they will:

(i) Treat all clients with respect and consideration at all times;

(ii) Maximize the quality of life of clients by assisting them to be as independent as possible;

(iii) Consider the input of clients and their preferences;

- (iv) Ensure confidential treatment of all records and any other information the client provides;
- (v) Not make personal use of client's possessions, such as automobile or telephone, nor consume their food or drink;
- (vi) Not discuss their personal problems, religious convictions, or political beliefs with the client;
- (vii) Not accept gifts or tips from the client or family members;
- (viii) Not consume alcoholic beverages or take medicine or drugs, except for treatment of a medical problem, while in the client's home or prior to delivery of services; and
- (ix) Not bring friends or relatives into the client's home while providing assistance.

(b) Process:

- (1)(A) Gather intake information and record it on the Client Intake Form.
  - (B) All applicable items must be completed.
- (2) Evaluate intake information and the client's problem and determine the probable extent of assistance needed.
- (3) Where necessary, obtain written permission from the client to act on his or her behalf.
- (4)(A) Represent clients who need assistance obtaining services or benefits:
  - (i) Act on behalf of the client to resolve the problem or obtain the necessary benefit;
  - (ii) Locate, coordinate, and monitor services and client to ensure that appropriate services are being provided and that client's needs are being met;
  - (iii) If necessary, refer client for legal assistance that might be needed initially or in the future;
  - (iv) Conduct outreach, provide information on, and determine eligibility for public benefits such as QMB and SLMB that client has not yet received;
  - (v) Assist client in completion of applications and paperwork;
  - (vi) Attend meetings on behalf of client; and

(vii) Provide information and assistance.

(B) Travel and waiting time are also included.

(C)(i) Record in case file the specific problems, actions taken and why, and client contact notes which include periodic assessment of client status if necessary, and if the client's client representation case file has not been closed.

(ii) Each area agency on aging will identify "periodic", as referenced in subdivision (b)(4)(C)(i) of this section, for their own agency.

(5) Refer for targeted case management all clients who are eligible to receive that service.

(6) Record all client representation services as one (1) unit equals one (1) client per annual reporting period.

(c) Quality assurance.

(1)(A) Evaluation and quality assurance should not be thought of as external to the operation of client representation activities; it should be part of all stages of operation so that effective means of generating useful information will be in place.

(B) This information can be used to:

(i) Meet funding requirements;

(ii) Document need for future funding; and

(iii) Improve, coordinate, or expand services in a particular direction.

(2) Client representation services shall be monitored to ensure that:

(A) Required documents are in the clients' files;

(B) All complaints regarding client representation are documented and investigated; and

(C)(i) All clients are informed at the onset of services of the procedure for receiving, reviewing, and resolving client complaints.

(ii) This will be the procedure established in accordance with division assurances.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "QMB" means Qualified Medicare Beneficiary.

"SLMB" means Specified Low-income Medicare Beneficiary.

**20 CAR § 430-2207. Client eligibility.**

(a) To be eligible for client representation, individuals must be sixty (60) years of age or older.

(b) Priority consideration should be given to those in greatest economic need and social need.

(c) Clients eligible for and receiving both targeted case management and client representation services will not receive duplicate services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2208. Client Bill of Rights.**

Ensure that each client receives and understands a printed copy of the Client Bill of Rights (Appendix A).

**Authority.** Arkansas Code § 25-10-129.

**Subpart 23. Socialization**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority:

The Older Americans Act of 1965 as Amended  
Social Services Block grant"

"Scope:

This policy applies to all AAAs and subcontractors providing socialization services to eligible individuals."

"EFFECTIVE DATE: OCTOBER 1, 1992

REVISED DATE: JANUARY 1, 1994"

**20 CAR § 430-2301. Purpose.**

The purpose of this subpart is to ensure that older Americans, particularly those who have low incomes and/or are in the minority, attain and maintain physical and mental well-being through:

- (1) Programs of regular physical activity, exercise, and arts and crafts; and
- (2) Participation in or attendance at planned leisure events and activities.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2302. Scope.**

This subpart applies to the state area agencies on aging and subcontractors of socialization services and defines the process for providing socialization services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2303. Definitions.**

As used in this subpart:

- (1) "Greatest economic need" means the need resulting from an income level at or below poverty levels as set by the United States Bureau of the Census;
- (2) "Greatest social need" means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural, social, or geographical isolation which restrict an individual's ability to perform normal daily tasks or threaten his or her capacity to live independently; and

(3)(A) "Socialization" means facilitation of client's involvement in activities to promote social interaction and reduce social isolation.

(B) This may be accomplished through activities which provide:

- (i) Personal enrichment;
- (ii) Satisfying use of leisure time; or
- (iii) Development of new skills or knowledge.

(C) Activities include:

- (i) Sports;
- (ii) Arts;
- (iii) Games;
- (iv) Crafts;
- (v) Nutrition or other educational sessions; and
- (vi) Group travel to activities such as contests, dances, visiting, and

outreach.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2304. Policy statement.**

(a) Each area agency on aging and subcontractor shall provide for socialization programs to older Americans, particularly those who have low incomes and/or are in the minority, in their planning service area.

(b) Socialization services can include, but are not limited to planned leisure events such-as games, sports, arts and crafts, supervised exercise classes, nutrition and other educational sessions, performing arts, trips, and other relaxing social activities facilitated by a provider.

(c)(1) Socialization services provided must conform to requirements of:

(A) State laws;

(B) The Older Americans Act, 42 U.S.C. § 3001 et seq., and accompanying federal regulations; and

(C) Policies and procedures of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(2) The area agencies on aging will develop procedures to assist subcontractors in meeting division and area agency on aging procedures, as needed.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2305. Procedural requirement.**

**(a) Service definition for socialization.**

(1) "Socialization" means the facilitation of client's involvement in activities to promote social interaction and reduce social isolation.

(2) This may be accomplished through activities which provide:

- (A) Personal enrichment;
- (B) Satisfying use of leisure time; or
- (C) Development of new skills or knowledge.

(3) Activities include:

- (A) Sports;
- (B) Arts;
- (C) Games;
- (D) Crafts;
- (E) Nutrition or other educational sessions; and
- (F) Group travel to activities such as contests, dances, visiting, and

outreach.

**(b) Unit definition.**

(1) The unit for reporting is "session".

(2) One (1) session equals a minimum of one (1) hour and does not have a maximum, but meaningful planned activities must be available for participants during this time.

**(c) Service restrictions.**

(1) Only one (1) session during normal hours of operation per client can be billed.

(2) If the client returns to facility during evening hours of same day, another session can be billed, with a maximum billing of two (2) sessions per twenty-four-hour day.

(3) In addition, this may not be reported under another component and may not include meals times (reported elsewhere).

(d) **Goal of service.** The purpose of socialization services for older persons is to:

- (1) Offer activities to refresh the spirits and strength of program participants;
- (2) Maintain or enhance self-sufficiency and personal independence;
- (3) Increase physical and mental stimulation;
- (4) Improve self-concept;
- (5) Prevent loneliness, isolation, and disengagement from others;
- (6) Encourage socialization and prevent monotony; and
- (7) Develop a broad range of physical, mental, and social skills which can be used by older persons in self-initiated use of leisure time activities.

(e) **Minimum standards.**

(1) Each service provider offering socialization services must meet the following minimum standards:

(A) A person qualified by work-related training or experience must be designated to supervise the service;

(B) Satisfying procedures must be established to schedule and provide a range of socialization activities for older persons with adequate operating procedures to ensure proper management and accountability;

(C) There must be adequate working space, staff, supplies, equipment, and operating procedures;

(D) Adequate records must be maintained to:

(i) Record and evaluate service provisions and fiscal management;  
and

(ii) Provide a basis for required reports;

(E) Satisfactory procedures must be established to protect confidentiality of records which include an older person's name and personal information, and to obtain and record the individual's informed consent prior to the release of personal information;

(F) Satisfactory procedures must be established to objectively resolve service complaints and evaluate the quality of the services delivered, including services provided to handicapped or disabled older persons; and

(G) Socialization activities are to be provided which are:

(i) Varied so as to include activities which will appeal to all program participants and all levels of personal functioning;

(ii) Designed to increase physical stamina among older persons;

(iii) Designed to provide mental stimulation;

(iv) Designed to provide social interaction;

(v) An appropriate mix of opportunities for individual and group activities; and

(vi) Varied so as to permit an increase of the skill level of each participant within a progressive (sequential) activity.

(2) Although not a minimum standard, it is anticipated that socialization activities will be supported by a mix of:

(A) Community volunteers;

(B) Older volunteers; and

(C) Other public or private community resources.

(f) **Eligibility.** Persons receiving the service must be sixty (60) years old or older.

(g) **Service activities.** Client intake and casework appropriate to maintain client in the program.

(h) **Access to service.** The client may enter the service system at any point through appropriate referral or drop-in.

(i) **Delivery characteristics.** Each client shall have a client record to indicate:

(1) An application for service;

(2) Documentation of service rendered; and

(3) Authorization release, where appropriate.

(j) **Staffing.**

(1) There shall be a supervisor on duty for assistance to assigned staff.

(2) The staff shall be qualified to provide assistance and guidance in socialization activities.

(3) There shall be an annual evaluation of the staff by the supervisor in charge of personnel.

(4) The staff shall participate in on-going in-service training as scheduled.

(5) All workers must be able to carry out directions and instructions and keep simple records.

**Authority.** Arkansas Code § 25-10-129.

**Subpart 24. Telephone Reassurance**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority

Older Americans Act of 1965 as amended, Title III, Part D, Sections 341, 342, 343 and 344.

Arkansas Code Annotated Section 25-10-101 et. seq.

Social Services Block Grant"

"Effective Date: June 15, 1993"

**20 CAR § 430-2401. Purpose.**

(a) The purpose of this subpart is to provide an organized system of calling elderly clients who have telephones, who live alone or temporarily alone, or are homebound in isolated areas on a mutually agreed upon calling schedule.

(b) Telephone reassurance is designed to alleviate loneliness and the feeling of isolation and to check on the client's status and, if contact is not made, to ensure that assistance will be forthcoming.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2402. Scope.**

This subpart applies to all area agencies on aging and all subcontractors of home and community-based services that provide telephone reassurance to frail older individuals.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2403. Definitions.**

As used in this subpart:

(1) "Client" means any person receiving telephone reassurance services which are provided through state or federal funds;

(2) "Provider" means any entity that gives telephone reassurance services as described in subdivision (3) of this section either as a contractor or subcontractor;

(3) "Telephone reassurance" means telephone calls at an appointed time to eligible elderly clients to check their status, thus providing an element of emotional and psychological reassurance and, if contact is not made, to ensure that assistance will be forthcoming; and

(4) "Unit" means one (1) completed individual client call per household or one (1) call placed to the client's emergency contact in the event the client does not answer their phone at the appointed time or there is a continual busy signal, which equals one (1) unit.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2404. Policy statement.**

Providers who receive federal or state funds for telephone reassurance services provided to individuals age sixty (60) and older must comply with the provisions of the Older Americans Act, 42 U.S.C. § 3001 et seq., as well as state rules and federal regulations pertaining to the funding and delivery of such service.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2405. Procedural requirements.**

(a) Responsibilities of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services:

(1) Monitoring of all state and federally funded activities which involve service delivery to elderly persons;

(2) Establishing an assessment process to ensure compliance with program policy and procedures;

(3) Providing technical assistance and quality assurance in program area;

(4) Providing necessary reports requested by the Administration on Aging and/or state legislators; and

(5) Revising program area policy and procedures as necessary.

(b) **Responsibilities of providers.** Each service provider offering telephone reassurance funded by state and/or federal funds must meet the following program requirements:

(1)(A) Service activities.

(B) A person qualified by training or experience must be designated to supervise the service.

(C) There must be an organizational structure with:

(i) Clear lines of supervision;

(ii) Approved position descriptions;

(iii) Established job qualifications; and

(iv) The clear assignment of all functional tasks.

(D) Satisfactory procedures must be established to recruit, train, schedule, and evaluate staff, paid and volunteer.

(E) Satisfactory procedures must be established to develop sources of volunteer staff to augment paid staff.

(F) The client shall be allowed the opportunity to contribute to the cost of the service if financially able.

(G) Satisfactory procedures must be established to utilize client contributions for the service.

(H)(i) Training is to be provided for all staff, paid and volunteer, in all aspects of service provision.

(ii) Training for telephone reassurance should include but is not limited to:

*(a)* Principles of communication;

*(b)* Scheduling of reassurance calls;

*(c)(1)* Developing an emergency plan of action if unable to reach client at appointed time.

*(2)* For example, telephone numbers of neighbors, clergy, or a relative who could be called to go to the client's home to check on their status;

*(d)(1)* Keeping emergency plan information current.

*(2)* Emergency plan information should be updated quarterly or as necessary in between quarters;

*(e)* Implementing special or emergency assistance plans;

*(f)* Confidentiality of client information;

*(g)* Reporting units of service;

*(h)* Satisfactory procedures must be established to provide timely and accurate required reports including data for the Management Information System (MIS);

*(i)* Satisfactory procedures must be established to protect confidentiality of records which include an older person's name and personal

information, and to obtain and record the individual's informed consent prior to the release of personal information;

(j) Satisfactory procedures must be established to objectively resolve service complaints and evaluate the quality of the services; and

(k) Satisfactory procedures must be established to:

(1) Maintain files which accurately reflect the individuals receiving telephone reassurance, the persons who are performing the reassurance calls, and the agreed upon calling schedule;

(2) Maintain records describing the current negotiated special or emergency procedures applicable to each individual client receiving the service;

(3) Approve an individual to receive the service;

(4) Resolve coordination difficulties arising between the person receiving the service and the caller;

(5) Provide alternative or substitute callers to cover temporary absences; and

(6)(A) Discontinue telephone reassurance service to individuals who no longer need the service.

(B) Clients should be reassessed every six (6) months for eligibility for continuation of service, or more often as necessary;

(2)(A) Eligibility.

(B) Persons age sixty (60) and older who live alone or temporarily alone, or are homebound in isolated areas.

(C)(i) **Special notes.** This service is available to individuals sixty (60) years or older, or to the spouse of an individual who is sixty (60) years or older and receiving services through SSBG or Title III of the Older Americans Act, 42 U.S.C. § 3021 et seq.

(ii) The service is also available to handicapped/disabled individuals who are dependents of and residing with individuals who are sixty (60) years or older and receiving services through SSBG or Title III.

(iii) In protective services cases, as certified by the Protective Services Unit of the division, any adult will be eligible for services.

(iv) Persons who generally are not eligible for billable telephone reassurance are persons that:

(a) Are receiving any other service at or through a senior center where program staff is in touch with them on a regular basis (three (3) or more times a week) because of the service being provided;

(b) Lives with a spouse;

(c) Lives with a friend or family member; or

(d) Is not isolated, has family, friends, or neighbors that check on them daily;

(3)(A) Location of service.

(B) Service is provided to the client at his or her domicile;

(4)(A) Access to service.

(B) An eligible client may enter the service system at any point through a referral from a case manager or community agency or individual request for service; and

(5)(A) Recordkeeping.

(B) Each client shall have a client record to indicate an application for service.

(C) A call log chronologically arranged with most current date on top.

(D) An authorization for release of confidential information, where appropriate.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "SSBG" means Social Services Block Grant.

## **Subpart 25. Home Repair/Modification/Maintenance**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority

Older Americans Act of 1965 as Amended

Arkansas Code Annotated Section 25-10-101 et. seq."

"Effective Date: 01/01/96"

**20 CAR § 430-2501. Purpose.**

(a)(1) The purpose of this subpart is to provide an organized system of assisting frail older individuals in obtaining adequate home repairs and renovations designed to enable them to maintain their homes in conformity with minimum housing standards.

(2) These include improving or maintenance of basic home appliances and taking weatherization or other energy conservation measures.

(b) This subpart is also designed to help frail older individuals who have physical disabilities get assistance in adapting their homes and places of residence to meet their physical needs.

(c) Finally, this subpart will help frail elderly individuals obtain assistance in getting installation of security devices and structural modifications or alterations of their residences to deter and prevent unlawful entry into their homes.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2502. Scope.**

(a) This subpart applies to all area agencies on aging and all subcontractors of home and community-based services that provide home repair/modification/maintenance to eligible individuals.

(b) This subpart applies to all area agencies on aging and all subcontractors of home and community-based services that provide home repair/modification/maintenance services to frail, older individuals.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2503. Definitions.**

As used in this subpart:

(1) "Basic home appliances" means items necessary for refrigerating or preparing food, or heating or cooling the home;

(2) "Homeowner" means an individual living in a residence he or she already owns or is in the process of buying;

(3) "Minor home maintenance" means servicing of basic home appliances, weatherization, pest control, etc.;

(4)(A) "Minor home modifications" means alterations or improvements of a dwelling to make it more accessible and usable by physically disabled and/or frail older individuals.

(B) This involves adaptations to the interior as well as exterior of the dwelling by constructing grab bars or rails, ramps, etc., to make it easier and safer to carry out activities such as:

- (i) Bathing;
- (ii) Cooking;
- (iii) Walking; and
- (iv) Opening doors;

(5)(A) "Minor home repairs" means renovations to a dwelling which are essential for the health and safety of the elderly homeowner, such as repairing a roof, stairs, etc.

(B) Home repair involves the physical maintenance or reconstruction to a dwelling owned by an older individual who is unable to perform the needed work;

(6) "Older individual" means a person sixty (60) years of age or older;

(7)(A) "Own home" means that the individual is living in a residence he or she maintains for himself or herself or is maintained for him or her by his or her caretaker.

(B) "Own home" does not include any group care; and

(8) "Unit" means one (1) unit of service equals one (1) client per annual reporting period.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2504. Policy statement.**

Providers who receive federal or state funds for home repair/modification/maintenance services provided to frail, older individuals, particularly those who have low incomes, are in the greatest economic need, or are in the minority and who reside in a home they own (have paid for or are in the process of buying), must comply with the provisions of the Older Americans Act, 42 U.S.C. § 3001 et seq., as well as state rules and federal regulations pertaining to the funding and delivery of such services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2505. Procedural requirements.**

(a) Responsibilities of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services:

(1) Monitor all state and federally funded activities which involve service delivery to frail older individuals;

(2) Establish an assessment process to ensure compliance with program policy and procedures;

(3) Provide technical assistance and quality assurance in program area;

(4) Provide necessary reports requested by the Administration on Aging and/or state legislators; and

(5) Revise program area policy and procedures as necessary.

(b) **Responsibilities of providers.** Each service provider offering home repair/modification/maintenance services funded by state and/or federal funds must meet the following program requirements. Service activities:

- (1) A person qualified by training or experience must be designated to supervise the service;
- (2) There must be an organizational structure with:
  - (A) Clear lines of supervision;
  - (B) Approved position descriptions;
  - (C) Established job qualifications; and
  - (D) The clear assignment of all functional tasks;
- (3) Satisfactory procedures must be established to recruit, train, schedule, and evaluate staff, paid and volunteer;
- (4) The client shall be allowed the opportunity to contribute to the cost of the service if financially able;
- (5) Satisfactory procedures must be established to utilize client contributions for the service;
- (6) Satisfactory procedures must be established to provide timely and accurate reports that might be required by the division on the home repair/modification/maintenance program;
- (7) Satisfactory procedures must be established to protect confidentiality of records which include an older person's name and personal information and to obtain and record the individual's informed consent prior to release of personal information; and
- (8) Satisfactory procedures must be established to objectively resolve service complaints and evaluate the quality of the services.

(c)(1) Area agency on aging responsibilities:

- (A) Identify older individuals needing home repair/modification/maintenance;

(B) Accept referrals for older individuals needing home repair/modification/maintenance from outreach and other community agencies and individuals; and

(C) Arrange to provide services through:

- (i) Individual provider (maintenance person/handyman);
- (ii) Volunteer team with supervision; or
- (iii) Contracting with a provider agency.

(2) If the area agency on aging arranges to provide services through an individual provider (maintenance person/handyman) or through a team of volunteers with supervision, the area agency on aging shall:

(A) Arrange for the home repair/modification/maintenance to be completed;

(B) Develop resources in the community to obtain donations of materials, equipment, supplies, etc. (contributions keep down the cost of service);

(C)(i) Ensure that a memorandum of understanding describing the planned work be signed by the property owner prior to initiation of the work.

(ii) This is to confirm that the property owner understands and concurs with the work.

(iii) This documentation should be maintained in client's case file;

(D)(i) In regards to renter occupied dwellings, renovations and repairs may only be provided when these are not the responsibility of the landlord.

(ii) These renovations and repairs may not be structural in nature.

(iii) No repairs should be made to a rental unit without a memorandum of understanding describing the planned work and signed by the landlord prior to initiation of the work.

(iv) There also must be in the memorandum of understanding an agreement from the landlord not to increase the rent due to improvements resulting from this service;

(E) Ensure that work is properly supervised and that accident, health, and safety considerations for workers and others are observed;

(F) Ensure that all applicable federal, state, and local building codes are followed and that required licenses, inspections, bonding, insurance, approval, and permits are obtained;

(G) Obtain liability insurance and workers' compensation insurance;

(H)(i) Maintain documentation of:

*(a)* Work performed;

*(b)* Client's name and address;

*(c)* Dates and times work was initiated and completed; and

*(d)* Estimated and actual costs.

(ii) This documentation shall be maintained in the client's case file;

(I)(i) Maintain documentation that upon completion of work, there is an inspection by area agency on aging/provider who first saw and stated that the work needed to be done of the work performed, including:

*(a)* The extent of the repair;

*(b)* The quality of work performed;

*(c)* A review of the costs; and

*(d)* A comparison of actual costs to the estimated cost.

(ii) This documentation should be maintained in client's case file;

(J) Follow-up with the older individual once home repair/modification/maintenance is completed to ascertain if the work was satisfactorily performed/completed;

(K) Allow the client the opportunity to contribute to the cost of the service;

(L) Maintain a waiting list, if needed, for older individuals needing home repair/modification/maintenance;

(M) Recruit and promote the use of volunteers if the area agency on aging is arranging for the service to be provided through a team of volunteers with supervision; and

(N) If the area agency on aging is arranging for the service to be provided through a team of volunteers with supervision, it would then be the area agency on

aging's responsibility to inspect the client's dwelling before actual repair or modification is started and write up an estimate of the cost of work to be completed.

(d) The individual provider (maintenance person/handyman) shall:

(1) Inspect the client's dwelling before actual repair or modification is started and provide an estimate of the cost of work to be completed;

(2) Ensure that all applicable federal, state, and local building codes are followed and that required licenses, inspections, bonding, insurance, approval, and permits are obtained; and

(3) Complete home repair/modification/maintenance job.

(e)(1) If the area agency on aging arranges to provide services by contracting with a provider agency, the area agency on aging shall develop procedures for overseeing the program and monitoring the provider agencies' areas of responsibilities as listed below.

(2) Provider agencies' responsibilities:

(A) Develop resources in the community to obtain donations of materials, equipment, supplies, etc. (contributions keep down the cost of service);

(B) Recruit and promote the use of volunteers;

(C) Inspect the client's dwelling before actual repair or modification is started and write up an estimate to submit to the area agency on aging of the cost of work to be completed;

(D)(i) Ensure that a memorandum of understanding describing the planned work is signed by the property owner prior to initiation of the work.

(ii) This is to confirm that the property owner understands and concurs with the work.

(iii) This documentation should be maintained in client's case file;

(E)(i) In regards to renter occupied dwellings, renovations and repairs may only be provided when these are not the responsibility of the landlord.

(ii) These renovations and repairs may not be structural in nature.

(iii) No repairs should be made to a rental unit without a memorandum of understanding describing the planned work and signed by the landlord prior to initiation of the work.

(iv) There also must be in the memorandum of understanding an agreement from the landlord not to increase the rent due to improvements resulting from this service;

(F) Arrange for the home repair/modification/maintenance to be completed;

(G) Ensure that work is properly supervised and that accident, health, and safety considerations for workers and others are observed;

(H) Utilize, whenever possible, local area agencies on aging, providers, or community resources to accomplish the home repair/modification/maintenance services;

(I) Ensure that all applicable federal, state, and local building codes are followed and that required licenses, inspections, bonding, insurance, approval, and permits are obtained;

(J) Obtain liability insurance and workers' compensation insurance;

(K) Follow up with the older individual once home repair/modification/maintenance is completed to ascertain if the work was satisfactorily performed/completed;

(L)(i) Maintain documentation that upon completion of work, there is an inspection by the area agency on aging/provider who first saw and stated that the work needed to be done of the work performed including:

(a) The extent of the repair;

(b) The quality of work performed;

(c) A review of the costs; and

(d) A comparison of actual costs to the estimated cost.

(ii) This documentation should be maintained in the client's case file;

and

(M) Maintain a waiting list, if needed, for older individuals needing home repair/modification/maintenance.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2506. Eligibility.**

(a) Title III recipients must be:

(1) A person sixty (60) years of age or older who is residing in a home that he or she owns, has paid for, or is in the process of buying; and

(2)(A) Frail.

(B) "Frail" means, with respect to an older individual in the state, that the older individual is determined to be functionally impaired because the individual is unable to perform at least two (2) activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision, or due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual; and/or

(3) In the greatest economic need, which means the need resulting from an income level at or below the poverty line; and/or

(4) In the greatest social need, which means that need caused by noneconomic factors, which include physical and mental disabilities, language barriers, and cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that restricts the ability of an individual to live independently; and

(5) Without significant social support systems, i.e., persons who are willing and able to perform required services for them.

(b)(1) State Aging Services recipients must:

(A) Meet the criteria for Title III funding; and

(B) Have an income at or below two hundred percent (200%) SSI.

(2)(A) **Special note.** A person age sixty (60) years of age or older who is frail and/or disabled is also eligible to have modifications made to accommodate their

special needs at their place of residence regardless of whether they are in their own home or residing in someone else's place of residence.

(B) Examples of modifications can include but are not limited to installing ramps, stair lifts, widening doorways, installing grab bars or hand rails, and replacing door knobs with lever handles, etc.

(C) Written approval authorizing the modifications and signed by the owner of the residence where the modifications will be made must be obtained and placed in the client's case file before modifications are begun.

(3) **Special note.** This service is also available to individuals with disabilities who are dependents of or the spouse of and residing with an individual who is sixty (60) years of age or older who is living in a home that they:

(A) Own;

(B) Have paid for; or

(C) Are in the process of buying.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "SSI" means Supplemental Security Income.

**20 CAR § 430-2507. Cost limitations.**

(a)(1) Minor home repair/modification/maintenance services shall not exceed one hundred fifty dollars (\$150) per client per home when funded by Title III D under the Older Americans Act of 1965, 42 U.S.C. § 3021 et seq., as amended.

(2) Title III D funds shall not be used in place of other available programs;

(b)(1) Minor home repair/modification/maintenance services shall not exceed one thousand dollars (\$1,000) State Aging Services moneys per client per home.

(2) More than one (1) home repair/modification/maintenance service can be performed per client per home, but the total amount for these combined services cannot exceed one thousand dollars (\$1,000).

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2508. Location of service.**

Home repair/modification/maintenance services are provided at a home in which the older individual or couple reside in which they are in the process of buying or at the home owned or paid for by the older individual or couple where they reside, with the exceptions listed under 20 CAR § 430-2506(b)(2) and (3).

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2509. Access to service.**

An eligible client may enter the service system at any point through a referral from a case manager or community agency or an individual request for service.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2510. Delivery characteristics.**

The provision of minor home repair/modification/maintenance shall include, but is not limited to the following:

- (1) Installing a ramp or platform lift to entry level for people who cannot walk up or down stairs;
- (2) Widening doorways for wheelchairs to pass through;
- (3) Lowering cabinets, shelves, counters, and sinks, leaving space underneath for pulling in a wheelchair;
- (4) Installing grab bars or hand rails at toilets, bathtubs, and showers;
- (5) Replacing bathtubs with showers or handheld showers;
- (6) Installing a stair lift;
- (7) Replacing door knobs with lever handles;
- (8) Repairing a roof or siding;
- (9) Repairing steps, porches, sidewalks, or driveways;

- (10) Installing smoke detectors, alarm systems, or bars on windows and doors;
- (11) Servicing heating and cooling systems;
- (12) Repair of stove and/or refrigerator;
- (13) Weatherization such as caulking and weather-stripping windows and doors or covering them with plastic and insulating attics, walls, and floors; and
- (14) Pest prevention and control.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2511. Staffing.**

(a) There must be a person qualified, by training or experience, who is designated to oversee the home repair/modification/maintenance service program.

(b) There must be a person qualified, by training or experience, who is designated to supervise the home repair/modification/maintenance workers.

(c)(1) In providing direct services, if an area agency on aging staff member is designated to oversee the home repair/modification/maintenance program in which the labor is performed by contract persons or volunteers, Title III administrative funds can be budgeted for administration with a ten percent (10%) cap on administration.

(2) No Title III D funds are authorized for administration.

(d)(1) There must be adequate qualified staff to meet the purpose of the program.

(2) All home repair/modification/maintenance workers, paid or volunteer, must:

(A) Be at least eighteen (18) years or age;

(B) Have proven knowledge of the use and limitation of tasks required to perform their duties;

(C) Have the ability to carry out directions and instructions and maintain simple records; and

(D) Be able to read well enough to comprehend and follow the directions or instructions needed in completing the job or jobs.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2512. Training.**

Training for home repair/modification/maintenance administrative staff, paid and/or volunteer, shall include but is not limited to:

- (1) Safety, accident prevention, and basic first-aid procedures;
- (2) Simple repairs and the use of tools and equipment;
- (3) Overall operation of the home repair/modification/maintenance program;
- (4) Estimating labor, materials, and tools for the job or jobs;
- (5) Inspecting and evaluating completed work;
- (6) Monitoring of staff and/or volunteers for safety and quality of work;
- (7) Confidentiality of client information; and
- (8) Reporting of units.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2513. Prohibited activities.**

Prohibited activities:

- (1) Smoking in the client's home;
- (2) Accepting gifts from the client;
- (3) Breach of client's confidentiality; and
- (4) Reporting for work at the client's place of residence while under the influence of alcohol or illegal drugs or while abusing legal drugs, or the consumption of alcoholic beverages, the use of illegal drugs, or abuse of legal drugs while working in the client's place of residence.

**Authority.** Arkansas Code § 25-10-129.

**Subpart 26. Material Aid**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Scope

These procedures apply to all area agencies on aging and all subcontractors of home and community-based services that provide Material Aid services to frail, older individuals."

"General Authority

Arkansas Code Annotated Section 25-10-101 et. seq."

"Effective Date 01/01/96"

**20 CAR § 430-2601. Purpose.**

(a) The purpose of this subpart is to provide support or to meet or prevent an imminent emergency by the distribution of goods, food products, commodities, or payment of bills.

(b) For example:

(1) The purchase of basic necessities for someone whose home has been destroyed by fire;

(2) The distribution of commodities and/or food products;

(3) The distribution of items such as clothing, smoke detectors, and eyeglasses; or

(4) Payment to a utility company to prevent imminent shut off of electricity or gas services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2602. Scope.**

This subpart applies to all area agencies on aging and all subcontractors of home and community-based services that provide material aid to eligible individuals.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2603. Policy statement.**

Providers who receive funds for material aid services that they provide to frail older individuals, particularly those who have low incomes, are in the greatest economic need, and/or are in the minority, must comply with state rules and federal regulations pertaining to the funding and delivery of such service.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2604. Definitions.**

As used in this subpart;

(1)(A) "Material aid" means the provision of goods or payment of bills to meet or prevent imminent emergency.

(B) For example:

(i) The purchase of basic necessities for someone whose house has been destroyed by fire;

(ii) Payment to a utility company to prevent imminent shut off of utility service; or

(iii) The distribution of such items as clothing, smoke detectors, eyeglasses, and security devices, etc.;

(2) "Older individual" means a person sixty (60) years of age or older; and

(3) "Unit" means one (1) unit of service equals one (1) client per annual reporting period.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2605. Procedural requirements.**

(a) Responsibilities of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services:

(1) Monitoring of all state and federally funded activities which involve service delivery to older individuals;

(2) Establishing an assessment process to ensure compliance with program policy and procedures;

(3) Providing technical assistance and quality assurance in program area; and

(4) Providing necessary reports requested by the Administration on Aging and/or state legislators.

(b) **Responsibilities of providers.** Each service provider offering material aid funded by state and/or federal funds must meet the following program requirements. Service activities:

(1) A person qualified by training or experience must be designated to supervise the service;

(2) There must be an organizational structure with:

(A) Clear lines of supervision;

(B) Approved position descriptions;

(C) Established job qualifications; and

(D) The clear assignment of all functional tasks;

(3) Satisfactory procedures must be established to recruit, train, schedule, and evaluate staff, paid and volunteer;

(4) Satisfactory procedures must be established to develop sources of volunteer staff to augment paid staff;

(5) Community resources must be developed to obtain donations of goods, food products, and commodities;

(6) The client shall be allowed the opportunity to contribute to the cost of the service if financially able;

(7) Satisfactory procedures must be established to utilize client contributions for the service;

(8)(A) Training and/or orientation is provided for all staff, paid and volunteer, in all aspects of service provision.

(B) Training and/or orientation for material aid should include but is not limited to:

- (i) Implementing special or emergency assistance plans;
- (ii) Confidentiality of client information; and
- (iii) Reporting units of service;

(9) Satisfactory procedures must be established to provide timely and accurate reports that might be required by the division on the material aid program;

(10) Satisfactory procedures must be established to protect confidentiality of records which include an older person's name and personal information and to obtain and record the individual's informed consent prior to release of personal information;

(11) Satisfactory procedures must be established to objectively resolve service complaints and evaluate the quality of the services; and

(12) Satisfactory procedures must be established to:

(A) Maintain files which accurately reflect the individual receiving material aid, the aid received, and the cost of the aid received or, if donated goods, food products, or services, a notation that it was donated;

(B) Approve an individual to receive the service;

(C) Maintain a waiting list, if needed, for eligible individuals needing material aid; and

(D)(i) Make sure the expiration date is checked on food/commodities before being distributed.

(ii) Out-of-date food/commodities are not to be purchased.

(iii) If the food item/commodity is donated, check the expiration date before distribution and, if it is past the expiration date, do not distribute but make provisions to dispose of it properly.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2606. Funding source.**

Funding source: State Aging Services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2607. Eligibility criteria.**

(a) Eligibility criteria:

(1) Be sixty (60) years of age or older; and

(2)(A) Be frail.

(B) "Frail" means, with respect to an older individual in the state, that the older individual is determined to be functionally impaired because the individual is unable to perform at least two (2) activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision, or due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual; and/or

(3) Be in the greatest economic need, which means the need resulting from an income level at or below the poverty line; and/or

(4) Be in greatest social need, which means the need caused by noneconomic factors, which include physical and mental disabilities, language barriers, and cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that restricts the ability of an individual to perform normal daily tasks, or threatens the capacity of the individual to live independently; and

(5) Be without significant social support systems, i.e., persons who are willing and able to perform required services for them;

(6) Have an income at or below two hundred percent (200%) of SSI.

(b) **Special note.** If an area agency on aging also has available other funding sources for material aid services, such as Project Deserve or Federal Emergency Management Agency, etc., which have their own eligibility criteria for distribution of

their funds toward material aid services, the area agency on aging should disburse those funds according to their eligibility criteria.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "SSI" means Supplemental Security Income.

**20 CAR § 430-2608. Cost limitations.**

(a) Material aid services shall not exceed four hundred dollars (\$400) State Aging Services moneys per client per home.

(b) More than one (1) material aid service can be provided per client per home, but the total amount for these combined services cannot exceed four hundred dollars (\$400).

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2609. Access to service.**

An eligible client may enter the service system at any point through a referral from a case manager or community agency or an individual request for service.

**Authority.** Arkansas Code § 25-10-129.

**Subpart 27. No Smoking Policy Directive**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority:

Older Americans Act of 1965, as Amended

Arkansas Code Annotated Section 25-10-101 et. seq."

"Effective Date: September 20, 1993"

**20 CAR § 430-2701. Purpose.**

(a) The purpose of this subpart is to ensure the establishment of policy and procedures for a smoke-free environment in senior centers, thereby promoting the general health and well-being of elderly Arkansans.

(b) Currently, one (1) out of every six (6) deaths in America is the result of smoking and for people sixty (60) and older, smoking plays a major part in six (6) of the fourteen (14) leading causes of death.

(c) Passive smoking, or the exposure of nonsmokers to tobacco smoke, has been linked with:

- (1) Pulmonary function changes;
- (2) Lung cancer; and
- (3) Heart disease.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2702. Scope.**

This subpart applies to all direct providers of services funded wholly or in part by Title III of the Older Americans Act, 42 U.S.C. § 3021 et seq., and state general revenue funds.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2703. Policy statement.**

The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services requires that providers and subcontractors of services funded through Title III of the Older Americans Act, 42 U.S.C. § 3021 et seq., and state general revenue to persons age sixty (60) and over in congregate facilities, must establish and

enforce policies and procedures necessary to ensure environments reasonably free of contaminants.

**Authority.** Arkansas Code § 25-10-129.

## **Subpart 28. Health Promotion, Wellness, and Disease Prevention**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

"226.012 General Authority 9-1-12  
The Older Americans Act of 1965 as amended."

### **20 CAR § 430-2801. Purpose.**

The purpose of this subpart is to ensure that older adults, particularly those who have the greatest economic and/or social need and/or are in the minority, attain and maintain physical and mental well-being through regular programs of health promotion, wellness, and disease prevention.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

### **20 CAR § 430-2802. Scope.**

This subpart applies to the state area agencies on aging and the subcontractors of health promotion, wellness, and disease prevention programs and define the process for providing health promotion, wellness, and disease prevention programs.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

**20 CAR § 430-2803. Generally.**

(a) Each area agency on aging and subcontractor shall provide for health promotion, wellness, and disease prevention programs to older adults, particularly those who have the greatest economic and/or social need and/or are in the minority in their planning area.

(b) Health promotion, wellness, and disease prevention programs can include, but are not limited to:

- (1) Exercise classes;
- (2) Physical activity;
- (3) Self-management classes;
- (4) Behavior modification classes;
- (5) Nutrition classes; and
- (6) Fall prevention classes.

(c) Health promotion, wellness, and disease prevention programs must conform to the requirements of state laws, the Older Americans Act, 42 U.S.C. § 3001 et seq., and accompanying federal regulations and policies and procedures of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(d) The area agencies on aging will develop procedures to assist subcontractors in meeting division and area agency on aging procedures as needed.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2804. Definitions.**

As used in this subpart:

(1)(A) "Evidence-based disease prevention program" means a process of planning, implementing, and evaluating programs adapted from tested models or interventions in order to address health issues in a social ecological context.

(B) In an evidence-based disease prevention program, the proposed intervention is based on rigorously conducted research with published results;

(2) "Greatest economic need" means the need resulting from an income level at or below poverty levels set by the United States Bureau of the Census;

(3) "Greatest social need" means the need caused by noneconomic factors which include:

(A) Physical and mental disabilities;

(B) Limited English proficiency; and

(C) Cultural, social, or geographical isolation which restrict an individual's ability to perform normal daily tasks or threaten his or her capacity to live independently;

(4)(A) "Health promotion and disease prevention" includes:

(i) Health risk assessments;

(ii) Routine health screenings;

(iii) Nutritional counseling and education for individuals and their primary caregivers;

(iv) Evidence-based health promotion programs, including but not limited to programs related to:

(a) The prevention and mitigation of the effects of chronic disease including:

(1) Osteoporosis;

(2) Hypertension;

(3) Obesity;

(4) Diabetes; and

(5) Cardiovascular disease;

(b) Alcohol and substance abuse reduction;

(c) Smoking cessation;

*(d)* Weight loss and control;

*(e)* Stress management;

*(f)* Fall prevention;

*(g)* Physical activity; and

*(h)* Improved nutrition;

(v) Programs regarding physical fitness, group exercise, music therapy, art therapy, and dance movement therapy, including programs for multigenerational participation that are provided by:

*(a)* An institute of higher learning;

*(b)* A local education agency as defined in Section 14101 of the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 8801; and

*(c)* A community-based organization;

(vi) Home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention, including fall and fracture prevention, in the home environment; and

(vii) Medication management screening and education to prevent incorrect medication and adverse drug reactions.

(B) The term shall not include services for which payment may be made under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq., and Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.; and

(5)(A) "Wellness" means an active lifelong process of becoming aware of choices and making decisions toward a more balanced and fulfilling life.

(B) Process: individuals never arrive at a point where there is no possibility of improvement.

(C) Aware: individuals are by nature continuously seeking more information about how they can improve.

(D) Choices: individuals have considered a variety of options and have selected those that seem to be in their best interest.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

**20 CAR § 430-2805. Service definition for health promotion, wellness, and disease prevention.**

(a) "Health promotion, wellness, and disease prevention" means the facilitation of a client's involvement in activities to:

- (1) Promote health and well-being;
- (2) Reduce isolation; and
- (3) Keep the client in the community.

(b) This may be accomplished through, but is not limited to:

- (1) Physical fitness activities;
- (2) Health screenings;
- (3) Nutrition education; and
- (4) Evidence-based disease prevention programs such as:
  - (A) Chronic disease self-management;
  - (B) Fall prevention;
  - (C) Behavior modification; and
  - (D) Others.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

**20 CAR § 430-2806. Unit definition.**

One (1) unit is equal to one (1) activity session of related service provision.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

**20 CAR § 430-2807. Goal of service.**

The purpose of health promotion, wellness, and disease prevention programs for older adults is to:

- (1) Maintain or enhance health and well-being;
- (2) Maintain or enhance self-sufficiency and personal independence;
- (3) Prevent isolation and disengagement due to chronic disease or illness;
- (4) Increase physical and mental activity;
- (5) Empower the client to manage their physical conditions;
- (6) Offer activities that enhance all dimensions of wellness; and
- (7) Provide the tools for making healthier life decisions.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

**20 CAR § 430-2808. Minimum standards.**

(a) Each provider of health promotion, wellness, or disease prevention programs must meet the following minimum standards:

- (1) A person qualified by work related training or experience must be designated to supervise the program;
- (2) Satisfactory procedures must be established to schedule and provide health promotion, wellness, and disease prevention activities for older adults with adequate operating procedures to ensure proper management and accountability;
- (3) There must be adequate working space, staff, supplies, equipment, and operating procedures;

(4) Adequate records must be maintained to record and evaluate service provisions, fiscal management, and provide a basis for required reports;

(5) Satisfactory procedures must be established to protect confidentiality of records which include names and personal information and to obtain and record the individual's informed consent prior to the release of personal information;

(6) Satisfactory procedures must be established to objectively resolve service complaints and evaluate the quality of services delivered, including services provided to persons with disabilities; and

(7) Health promotion, wellness, and disease prevention programs are to be provided, which are:

(A) Varied to appeal to participants with differing levels of ability;

(B) Designed to increase the participant's knowledge of health-related issues;

(C) Designed to empower older adults in making healthier life decisions;

(D) Designed to address the various dimensions of wellness;

(E) Designed to maintain or increase the participant's physical fitness; and

(F) Designed to maintain or increase the client's ability to participate in the daily activities of living.

(b)(1) Each area agency on aging and/or provider must offer evidence-based health promotion/disease programs.

(2) Each evidence-based program must be approved by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(3) The program is to be implemented by a community-based organization, i.e., a nonmedical setting, yet partnering with healthcare/clinical settings is appropriate.

(4) The community-based organization implementing the program must be able to deliver part, if not all, of the intervention, meaning the community-based organization cannot be limited to doing outreach/screening.

(5) Each evidence-based program must meet the following requirements:

(A) Program leaders must have required program-specific certification;

(B) Program leaders must participate in program-specific continuous and/or recertification training;

(C) Maintain program-specific fidelity; and

(D) Keep and record all program-specific required data.

(6) Each evidence-based program must assess all programs at least annually, including:

(A) Process evaluation:

- (i) Program;
- (ii) Program leader; and
- (iii) Participant satisfaction; and

(B) Outcome evaluation, including, but not limited to:

- (i) Benefits;
- (ii) Type of evidence generated;
- (iii) Program goals;
- (iv) Gained knowledge; and
- (v) Before and after participant changes.

(c) The division will assess health promotion programs as required by the Older Americans Act, 42 U.S.C. § 3001 et seq., and division policy and will provide technical assistance as requested.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

**20 CAR § 430-2809. Eligibility.**

Eligibility:

- (1) Persons receiving billable services must be age sixty (60) or older;
- (2) Persons receiving billable services may be primary caregivers under age sixty (60); and

(3) Other persons under sixty (60) may receive nonbillable services at the discretion of the area agency on aging.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

**20 CAR § 430-2810. Service activities.**

Service activities:

- (1) Client intake and casework appropriate to maintain client in the program;
- and
- (2) Collection of required data for evidence-based programs.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

**20 CAR § 430-2811. Access to service.**

The client may enter the service system at any point through appropriate referral or drop-in.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

**20 CAR § 430-2812. Delivery characteristics.**

Each client shall have a client record to indicate:

- (1) An application for service;
- (2) Documentation of service rendered; and
- (3) Authorization release where appropriate.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

**20 CAR § 430-2813. Staffing.**

- (a) There shall be a supervisor on duty for assistance to assigned staff.
- (b) The staff shall be qualified to provide assistance and guidance in health promotion, wellness, and disease prevention activities.
- (c) There shall be an annual evaluation of the staff by the supervisor in charge of personnel.
- (d) The staff shall participate in on-going training as scheduled and training records will be maintained.
- (e) All workers must be able to:
  - (1) Carry out directions and instructions;
  - (2) Maintain program fidelity; and
  - (3) Keep records.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-12"

**Subpart 29. Legal Assistance**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"GENERAL AUTHORITY:  
Older Americans Act Law and Regulations."

"Effective Date 1/1/90"

**20 CAR § 430-2901. Purpose.**

The purpose of this subpart is to ensure the delivery of legal assistance to older persons with the greatest social and economic needs and that such delivery is in accordance with the Older Americans Act, 42 U.S.C. § 3001 et seq., law and regulations.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2902. Scope.**

This subpart applies to all area agencies on aging and all providers of legal assistance funded through the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-2903. Policy statement.**

(a) Each area agency on aging will allot a minimum amount of funds, as set forth in the current state plan, for the provision of legal assistance to older individuals with the greatest social and economic needs, following the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services policy for the provision of priority services under its area plan.

(b) Each provider of legal assistance will comply with the Older Americans Act, 42 U.S.C. § 3001 et seq., law and regulations.

(c) The division will assist in the development of legal assistance by providing coordination, technical assistance, and support for training of providers funded under the Older Americans Act and concentration of resources to develop a comprehensive and coordinated system of legal assistance.

**Authority.** Arkansas Code § 25-10-129.

### **Subpart 30. Nursing Home Alternatives**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority

Arkansas Code Ann. Section 25-10-101 et. seq."

#### **20 CAR § 430-3001. Purpose.**

The purpose of this subpart is to establish administrative and service delivery standards for the Nursing Home Alternatives Program.

**Authority.** Arkansas Code § 25-10-129.

#### **20 CAR § 430-3002. Scope.**

(a) This subpart is applicable to the Arkansas area agencies on aging and their subcontractors.

(b) This subpart will apply to all area agencies on aging and all subcontractors of nursing home alternatives services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3003. Definitions.**

As used in this subpart:

(1) "Area plan" means an area agency on aging plan of operation which has been approved by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

(2) "Direct care worker" means any person who provides care to a client in a private residence or community (nursing facility) setting;

(3) "Direct service" means any activity to provide services directly to an older person;

(4) "Service provider" means any agency employing direct care workers; and

(5) "Subcontractor" means an entity that is awarded a contract from an area agency on aging to provide services under the area plan.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3004. Policy statement.**

(a) The Nursing Home Alternatives Program provides community and home-based services which enable the elderly to sustain their independence and consequently diminish their need for institutionalization.

(b) This state-funded program consists of the following services:

(1) Adult day care;

(2) Chores;

(3) Emergency assistance;

(4) Health promotion;

(5) Home-delivered meals;

(6) Homemaker;

(7) Personal care;

(8) Personal emergency response system;

(9) Repair/modification/maintenance;

(10) Respite care; and

(11) May also include other home and community-based services approved by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(c) All entities who provide nursing home alternatives services must comply with the administrative and service delivery standards established by the division.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3005. Procedural requirements.**

(a) Responsibilities of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services:

(1) Prescribe, promulgate, and enforce policies, standards, rules, and procedures governing providers of and the provision of state-funded nursing home alternatives services to the elderly in order to ensure the protection of the health, safety, and well-being of the recipients;

(2) Establish a formula for the apportionment of nursing home alternative funds to the eight (8) area agency on aging regions;

(3) Review and approve nursing home alternative components of area plans;

(4) Issue nursing home alternative grant awards and monitor expenditures and services under those grants;

(5) Develop program reporting and data collection requirements;

(6) Promote the development of new services and programs through consultation and technical assistance to area agencies on aging and other program developers;

(7)(A) Establish an evaluation process and conduct routine evaluations of the nursing home alternatives to ensure compliance with program policies and procedures and to assess appropriateness and effectiveness of services.

(B) Conduct follow-up inspections of programs that are out of compliance; and

(8) Assist agencies found to be out of compliance with program standards and rules in developing corrective action plans.

(b) Responsibilities of area agencies on aging:

(1) Comply with the policies, standards, rules, and procedures governing nursing home alternative services;

(2) Furnish all data and information requested by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

(3) Include in the area plan all nursing home alternative services to be offered, meeting all requirements of the plan;

(4)(A) Plan, develop, and provide services appropriate to the target population in compliance with directives of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(B) Specific approval must be obtained from the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to budget more than fifty percent (50%) of alternative funds to any single service;

(5)(A) Prepare and submit notices of grant awards (NGAs), new, revised, or supplements, to the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services (see Appendix).

(B) All NGAs, new or revised, must include budget narrative and summary.

(C) Ensure that administrative expenditures for nursing home alternatives does not exceed fifteen percent (15%) of the total allocation;

(6) Solicit contract providers for services through the request for proposals (RFP) procedures;

(7) Contract only with licensed or certified providers for any service for which the state requires provider licensing or certification;

(8) Submit monthly requests for funds to the Division of Finance on Request for Cash Form;

(9)(A) Maintain program activity data on the computerized Management Information System to meet tracking and reporting requirements.

(B) Program reports shall include:

- (i) Unduplicated count of clients;
- (ii) Client totals by sex;
- (iii) Number of clients by age group:
  - (a) Sixty to sixty-four (60 – 64);
  - (b) Sixty-five to seventy-four (65 – 74);
  - (c) Seventy-five to eighty-four (75 – 84); and
  - (d) Eighty-five plus (85+);
- (iv) Client totals by race;
- (v) Number of clients with income below poverty level;
- (vi) Average monthly cost per client;
- (vii) Number of clients discharged to:
  - (a) Hospital;
  - (b) Nursing home;
  - (c) Moved from service area;
  - (d) Improved, no longer need service;
  - (e) Died; or
  - (f) Other;
- (viii) Total units of services delivered;
- (ix) For each service provided:
  - (a) Total units of service delivered;
  - (b) Unduplicated count of clients;
  - (c) Total number of clients of each sex;
  - (d) Average units per client; and
  - (e) Total expenditures for services;

(10) Submit monthly reports of program activity to the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services on or before the tenth workday of the month;

(11)(A) Submit annual reports of program activity to the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services no later than thirty (30) days after the end of the program year.

(B) These will report annual data for the categories of information in the monthly report;

(12) Review client eligibility and update active client files on an annual basis to ensure continued eligibility for services; and

(13)(A) Develop and implement a complaint reporting and investigation system.

(B) The system shall be designed to collect required data as efficiently and effectively as possible and to identify patterns of complaints made on behalf of clients.

(C) The information provided by the system shall be used in the general management, assessment, and monitoring of the program at the state, area agency on aging, and provider levels.

(D) Complaint reports, including results of any investigation, shall be available for review by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(c) **Direct service provider requirements.** Requirements for all direct service providers:

(1) The provider shall be able to demonstrate an organizational and staffing capacity to meet their service commitment;

(2) The provider shall have an organizational chart clearly depicting lines of supervision and responsibility;

(3) The provider shall have written administrative and personnel policies;

(4) Hiring policies must comply with the following requirements:

(A) Staff positions shall be planned and filled according to the:

(i) Mission and goals of the provider;

(ii) Manpower needed to carry out the mission and goals; and

(iii) Requirements of the position;

(B) All qualified applicants must receive consideration for employment without regard to race, color, religion, sex, national origin, age (except as provided by law), marital status, political affiliation, or handicap, except where it relates to a bona fide occupational qualification; and

(C) Concurrent employment is permitted to the extent that it does not interfere with agency duties and responsibilities;

(5) The following procedures must be incorporated into provider administrative policies:

(A) For every direct care worker there shall be a written job description which specifies:

(i) Qualifications of education, experience, and personal traits, e.g., ability to relate to people, patience, positive mental attitude, ability to listen, sense of responsibility, etc.;

(ii) Duties and responsibilities; and

(iii) To whom the employee is responsible;

(B) References shall be required and must be verified for all direct care applicants prior to employment;

(C) Each direct care worker must:

(i) Display the physical, emotional, and mental capacity to perform required duties;

(ii) Have no conviction of abuse or any crime involving physical harm to another person nor be a perpetrator of substantiated abuse; and

(iii) Have no history of criminal convictions; and

(D) An individual personnel file must be maintained on each alternative services employee which must include at least:

(i) Position, title, and written job description;

(ii) Name, address, date of birth, Social Security number, home telephone number, and emergency contact number;

(iii) Documentation of education and professional qualifications, e.g., copies of license, certification, etc., as applicable;

(iv) Employment history and documentation of references checked prior to employment;

(v) Evaluation of work performance;

(vi) Record of dates and hours worked for at least the previous calendar year;

(vii) Records of orientation and in-service training attended; and

(viii) Health card;

(6)(A) Staff training and development must meet the minimum standards applicable to the type of service provided.

(B) Each direct care worker must have completed any training required by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services and must demonstrate skills at or above a minimum acceptable agency standard approved by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(C) There shall be established standards of satisfactory performance and a procedure to evaluate each employee.

(D) Each direct care worker must receive in-service training in accordance with the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services rules governing the specific service the worker performs;

(7) The provider shall comply with all policies and procedures governing their specific services;

(8) The provider shall meet minimum insurance requirements of the state or other regulatory agency and maintain proof of such insurance available for review if requested;

(9) The provider and direct care workers must be bonded; and

(10) The provider shall have available for review copies of current facility inspection reports if applicable.

(d) Requirements specific to contract providers:

(1) Provider applicants must apply through the RFP procedures; and

(2) All provider applicants that meet all of the state and federal requirements for the services they propose to provide will be eligible to contract for those services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3006. Program administration.**

(a)(1) No service provider shall accept a client unless there is a reasonable expectation that the client's needs can be adequately met and services begun within the timeframe established below.

(2)(A) If the client is not accepted, the client and/or referring agent shall be notified within three (3) days.

(B) Notification must include explanation of the reason or reasons for denial and other options available.

(b)(1) Emergency services will be provided when an unforeseen combination of circumstances and the resulting conditions require immediate action.

(2)(A) When immediate services are necessary due to an emergency, the case manager shall notify the direct service provider by telephone on the day of the referral.

(B) This must be followed by written notification within three (3) working days.

(3)(A) The provider shall not wait for the written notification before starting services.

(B) Services should be provided as soon as possible.

(c) The timeframe for nonemergency services shall not exceed fourteen (14) working days from initial referral to commencement of services to the client.

(d) In-home service agencies shall develop contingency plans to prevent long gaps in a client's services due to vacations, sickness, or other in-home service worker absences.

(e) **Service implementation.**

(1) The case manager shall complete a Client Intake Form and a service plan for each client (see Appendix for Service Plan Form).

(2)(A) If the direct service provider agency is not the case management agency, the case manager shall notify the direct service provider agency by telephone the same day the approved service plan is completed.

(B) Follow-up written notification shall be submitted within three (3) working days.

(3)(A) The direct service provider agency shall develop and implement a schedule of services within three (3) days of the telephoned referral.

(B) A copy of this schedule of services shall be forwarded to the case manager within three (3) days.

(4)(A) The standardized Service Plan Form shall be used by all agencies.

(B) The form shall be completed as appropriate for the service or services to be provided.

(C) No physician's signature is required for services other than personal care.

(5) Service plans shall include a range (minimum and maximum) of service hours approved to minimize problems of complying with the approved service plan, e.g., when staff shortages preclude providing the maximum number of hours approved.

(6) The service plan shall be signed by the client and the case manager.

(7)(A) Care shall follow the written plan.

(B) The plan shall be reviewed during in-home visits at least every sixty (60) days.

(8)(A) Personal care provided under the Nursing Home Alternatives Program shall comply with the service delivery requirements of the Medicaid Personal Care Program.

(B) Personal care services under this program and the Medicaid Personal Care Program are the same, the only difference is the funding source.

(9)(A) Direct service providers shall ensure that in-home service workers deliver all services prescribed for the client on the service plan or document the reason the service was not delivered.

(B) If an exception to the service plan is expected to be in effect for more than two (2) weeks, a new service plan shall be prepared.

(10) When a client's condition changes substantially, the case manager shall be notified in writing.

(f) Client direct service files shall contain the following documentation:

- (1) Intake/referral;
- (2) Verification of income;
- (3) Assessment/reassessment, for personal care clients;
- (4) Statement of level of care needed, for personal care clients;
- (5) Client identification number;
- (6) Service plan;
- (7) Change of client status, if applicable;
- (8) In-home service worker introduction form, if applicable;
- (9) In-home service workers' worksheets which include their daily notes, if applicable;
- (10) Supervisory home visit report and client's evaluation of care;
- (11) Notice of termination/transfer/suspension of services; and
- (12) Notation of reason for discharge, i.e., hospitalization, nursing home placement, living with caregiver, moved from service area, improved, no longer needs service, died, other.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3007. Service provision.**

(a)(1) **Eligibility.** The client must meet the following criteria:

- (A) Be over sixty (60) years of age;
- (B) Be frail, i.e., have a physical or mental disability, including Alzheimer's disease or a related disorder with neurological or organic brain dysfunction, that restricts the ability of the individual to perform normal daily tasks or which threatens the capacity of the individual to live independently;

(C) Be without significant social support systems, i.e., persons who are willing and able to perform required services for them;

(D) Have an income at or below two hundred percent (200%) of SSI; and

(E) Be in social need, i.e., need caused by noneconomic factors, i.e., physical and mental disabilities, language barriers, and cultural, social, and geographic isolation, including that caused by racial or ethnic status, which restrict an individual's ability to perform normal daily tasks or which threaten such individual's capacity to live independently.

(2) Recipients of supplemental personal care must also:

(A) Meet Medicaid Personal Care Program medical criteria; and

(B) Have a physician's prescription for personal care services.

(b) **Service definitions.** As used in this subpart:

(1) "Adult day care" means a group program designed to provide care and supervision to meet the needs of four (4) or more functionally impaired adults for periods of less than twenty-four (24) hours, but more than two (2) hours per day in a licensed facility;

(2) "Chore" means household chores such as running errands, preparing food, simple household tasks, heavy cleaning, and yard and walk maintenance, which the older person is unable to handle on his or her own and which does not require the services of a trained homemaker or other specialist;

(3)(A) "Emergency assistance" means provision of goods or payment of bills to meet or prevent an imminent emergency.

(B) For example, purchase of basic necessities for someone whose home has been destroyed by fire, or payment to a utility company to prevent imminent shut off of electricity or gas service.

(C) The limit is four hundred dollars (\$400) per client;

(4) "Health promotion" means education and services to an individual which increase awareness of good health and nutrition practices and encourage a more healthy lifestyle;

(5)(A) "Home-delivered meals" means a hot, or other appropriate, meal that contains at least one-third (1/3) of the nutritional value of the recommended daily allowance.

(B) The meal is delivered to the client's home.

(C) Menus must be approved by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services nutritionist;

(6)(A) "Homemaker" means household management tasks such as menu planning, bill paying, checking account management, etc., and may include but cannot be limited to household chores.

(B) "Homemaker" cannot include medically oriented personal care tasks.

(C) The homemaker must be trained in household management tasks and be supervised by the provider agency to ensure that tasks are completed accurately and appropriately;

(7)(A) "Personal care" means assisting a client with bathing, dressing, personal appearance, feeding, and toileting under the direction of a medical professional.

(B) Personal care clients also receive:

(i)(a) Assessment: administering standard examinations, procedures, or tests for the purpose of gathering information about the client to determine need and/or eligibility for services.

(b) Information collected may include health status, financial status, activities of daily living status, etc.

(c) Prenursing home admission screening as well as routine health screening (blood pressure, hearing, vision, diabetes) activities are included.

(d) If services are not begun during the twelve (12) months after an initial assessment is conducted or are interrupted/stopped for twelve (12) months or longer, another assessment must be done to start/resume service; and

(ii)(a) Reassessment: review of the client's need for continuation, start up, if more than six (6) months but less than twelve (12) months since initial assessment was done, or change of personal care service.

(b) For clients receiving personal care, reassessment must be done every six (6) months or more frequently if the client's condition changes requiring a change in the service plan;

(8)(A) "Personal emergency response system" means a portable, in-home, twenty-four-hour electronic alarm system that enables an elderly, infirm, or homebound individual to secure immediate help in the event of a physical, emotional, or environmental emergency.

(B) There is a one-time cost for installation;

(9)(A) "Repair/modification/maintenance" means improving or maintaining the client's residence and home appliances.

(B) "Repair/modification/maintenance" includes weatherization or other energy conservation measures, wheelchair ramps, safety features, etc.

(C) The limit is four hundred dollars (\$400) per client, and may be more than one (1) job.

(D) The limit is four hundred dollars (\$400) per client per home; and

(10)(A) "Respite care" means service to relieve the family of a frail/vulnerable older adult from daily caregiving responsibilities.

(B) It can be provided to meet an emergency need or to schedule relief periods in accordance with the regular caregiver's need for temporary relief from continuous caregiving.

(C) The period of relief makes it possible for the elderly individual to continue living in the community and avoid permanent institutionalization.

(D) It can be provided either in a person's home by employees of licensed agencies or in licensed facilities.

(E)(i) There are two (2) types of this service:

(a) Short-term respite: respite provided for a period of five (5) hours or less during the day; and

(b) Long-term respite: respite provided for a period of more than five (5) hours during the day.

(ii) Anything from five (5) to twenty-four (24) hours shall be billed on a day rate which equals the cost of five (5) hours of respite care at the hourly rate.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** "SSI" means Supplemental Security Income.

**20 CAR § 430-3008. Monitoring.**

(a)(1) Service quality and service delivery are monitored at three (3) levels.

(2) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services monitors all of the area agencies on aging and a percentage of care recipients.

(3) Area agencies on aging monitor all of the contract providers and a percentage of their direct service workers.

(4) Subcontractors monitor all of their direct service workers and the services they provide.

(b)(1) Comprehensive monitoring is essential to ensure that the highest quality, most appropriate services are delivered in a timely, cost-effective manner.

(2) Monitoring shall include:

(A) Evaluation of client satisfaction;

(B) Comparison of actual performance with performance standards; and

(C) Data collection and verification.

(c) The division shall include monitoring of quality assurance measures in its annual evaluations of area agencies on aging.

(d) Area agencies on aging shall evaluate performance by:

(1) Comparing service timeframes with established standards for service provision to assess timeliness;

(2) Examining client records for gaps in service and frequency of changes in service schedules or in-home service workers;

(3) Examining records of client satisfaction;

(4) Interviewing, in person or by telephone, selected clients to verify satisfaction; and

(5) Written reports of performance evaluations shall be available for review by the division.

(e)(1) All service providers shall evaluate client satisfaction in direct interviews with clients.

(2) Records of ongoing monitoring of client satisfaction must be included in individual client files.

**Authority.** Arkansas Code § 25-10-129.

### **Subpart 31. Personal Emergency Response System**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority:

The authority for this policy is Arkansas Code Ann., Section 25-10-101 et seq."

#### **20 CAR § 430-3101. Purpose.**

The purpose of this subpart is to ensure that all providers of personal emergency response systems maintain a high quality of service to all recipients and comply with all assurances and requirements which are conditions of participation in federal and state-funded programs.

**Authority.** Arkansas Code § 25-10-129.

#### **20 CAR § 430-3102. Scope.**

(a) This subpart applies to all providers of personal emergency response systems which are funded wholly or in part by ElderChoices, the Medicaid Section 2176 Waiver, or other public moneys.

(b) This subpart applies to all providers of personal emergency response systems funded through federal, state, or other public funds.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3103. Definitions.**

As used in this subpart:

(1) "Communicator" means the in-home, two-way communication equipment attached to the telephone line which receives the wireless signal from the help device and transmits it to the emergency control center;

(2)(A) "Help device" means a device worn or carried by the client which can be pressed to call for help.

(B) The help device signals a central switchboard where a trained staff immediately initiates emergency procedures to respond to the call;

(3)(A) "Personal emergency response system (PERS)" means a twenty-four-hour, seven-day-a-week, in-home electronic support system that provides two-way verbal and electronic communication with an emergency control center.

(B) It enables an elderly, infirm, or homebound individual to secure immediate help in the event of physical, emotional, or environmental emergency; and

(4) "Provider" means an operator of PERS providing services to elderly (age sixty (60) and older), functionally impaired persons in the community.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3104. Policy statement.**

(a) The personal emergency response system is an in-home, twenty-four-hour electronic alarm system that enables an elderly, infirm, or homebound individual to

secure immediate help in the event of physical, emotional, or environmental emergency.

(b) All providers of personal emergency response systems which are funded wholly or in part by ElderChoices, the Medicaid Section 2176 Aging Waiver, and/or other public moneys must comply with all regulatory and procedural requirements specified by the Department of Human Services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3105. Procedural requirements.**

(a) PERS provider minimum requirements are to:

(1)(A) Provide service which meets the definition of PERS as set forth in 20 CAR § 430-3103.

(B) PERS must be activated by voice, button, or other simple device that can be worn or attached to the person;

(2) Designate or operate an emergency response center (monitoring station) where signals are received and response is made according to a specified operating protocol;

(3) Demonstrate fast emergency response capability, i.e., within one (1) or two (2) minutes;

(4) Provide a capability of responding to client's signal even when the client is unable to communicate verbally;

(5) Provide, install, and maintain Federal Communications Commission-approved equipment that meets all Underwriter Laboratories safety standards;

(6) Provide emergency power failure backup and safety systems;

(7) Establish a specific protocol for answering emergency signals;

(8) Instruct clients in the proper use of the equipment;

(9) Establish response system for each client and ensure that responders receive necessary instruction or training;

(10)(A) Call each client at least once a month to test system operation.

(B) The client shall call the medical control center at least once a month to test system operation and as often as necessary to ensure client's familiarity with procedures to use in an emergency.

(C) Provider shall maintain a log of monthly client calls; and

(11) Provide operational and technical manuals and training to appropriate PERS staff.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3106. Equipment specifications.**

**(a) Home units.**

(1) The home equipment shall be activated by voice, button, or other simple device that can be worn or attached to the client.

(2) The system shall be useable by persons who are visually impaired, physically handicapped, or disabled.

(3) The communicator, the two-way communication equipment, shall have a receiver to receive wireless signals.

(4) The communicator shall be attached to telephone lines and shall not interfere with normal use of the telephone.

(5)(A) The communicator shall have a battery to provide a minimum of six (6) to eight (8) hours of operation in the event of a power failure.

(B) It shall also utilize a self-charging system and report its condition to the monitoring station after two (2) hours of power loss.

(6) The communicator shall be equipped with a self-diagnostic program which it performs in each twenty-four-hour period.

(7) The PERS provider shall obtain from the vendor of the equipment detailed manuals relating to the operation of the system, including:

(A) Technical specifications;

(B) Installation; and

(C) Testing.

**(b) Monitoring equipment.**

(1) The emergency response center equipment shall consist of a:

- (A) Primary receiver;
- (B) Backup receiver;
- (C) Clock printer;
- (D) Backup power supply; and
- (E) Telephone line monitor.

(2) The primary and backup receivers shall be independent and interchangeable.

(3) The printer shall print out the time and date of the emergency signal, the client identification code, and emergency codes indicating active or passive alarm or responder reset.

(4) The emergency response center shall have the backup power supply capacity to operate in excess of six (6) hours.

(5) The telephone line monitor shall give visible and audible signals in the event an incoming telephone line is disconnected for more than ten (10) seconds.

(6) The emergency response center shall obtain from the equipment vendor detailed manuals relating to the operation of the system, including:

- (A) Physical arrangement of the equipment;
- (B) Installation of all elements;
- (C) Testing procedures;
- (D) Emergency reporting;
- (E) Response procedures; and
- (F) Servicing.

(7) The receiving and printing stations at the monitoring center shall have a minimum of two (2) incoming telephone lines that are automatically interchanged in the event of telephone or equipment malfunction or unusual load demands.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3107. Emergency procedures.**

(a)(1) The PERS staff shall have written procedures for dealing with emergencies of clients.

(2) The procedures shall cover:

- (A) Immediate care of the client;
- (B) Ambulance to be called;
- (C) Name or names and phone numbers of physician or physicians;
- (D) Persons to be notified; and
- (E) Reports to be prepared.

(b)(1) All PERS staff who provide direct services shall have initial and ongoing training in emergency procedures.

(2) These procedures shall include:

- (A) The name and telephone number of the client's attending physician;
- (B) The client's preference of hospital;
- (C) Names of family members or others to be contacted in case of emergency;
- (D) A listing of any known drug allergies; and
- (E) Any other pertinent medical information which is deemed critical to the care of the client in an emergency.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3108. Staffing.**

(a) Duties of all PERS staff must be clearly defined in written job descriptions.

(b)(1) Initial on-location training must be provided to response center staff before they assume normal job responsibilities.

(2) This shall include training on all operational aspects of the PERS, including installation and testing of equipment and program implementation.

(c)(1) In-service training for PERS staff must be regularly scheduled.

(2) It shall total six (6) hours per year and shall be documented in staff personnel records as to:

- (A) Content;
- (B) Date; and
- (C) Duration.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3109. Documentation.**

(a) Both the provider and the emergency response center must maintain technical and operations manuals describing:

- (1) Equipment functioning, testing, and installation procedures;
- (2) Emergency response protocol;
- (3) Recordkeeping and reporting procedures; and
- (4) User agreements.

(b)(1) A log of all client calls will be kept by the emergency response center.

(2) This log shall record for each call the:

- (A) Date, time, and nature of the call; and
- (B) Response initiated by the center.

(c) All calls shall be documented in the clients' permanent files.

(d) All client records and logs of calls shall be retained in accordance with the requirements of the program under which the service is being funded.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3110. Confidentiality.**

(a) The PERS provider shall have written procedures governing the use and removal of client records and conditions for release of information on individual clients in compliance with state and federal requirements.

(b) Information contained in records maintained by a provider on individual clients shall not be disclosed to any person other than authorized representatives of the Department of Human Services without the express prior written consent of the client.

**Authority.** Arkansas Code § 25-10-129.

### **Subpart 32. Homemaker and Chore Services**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority:

The authority for this policy is Arkansas Code Ann., Section 25-10-101 et seq."

#### **20 CAR § 430-3201. Purpose.**

The purpose of this subpart is to ensure that in-home chore and homemaker services are in compliance with all applicable rules, regulations, and standards of service.

**Authority.** Arkansas Code § 25-10-129.

#### **20 CAR § 430-3202. Scope.**

(a) This subpart applies to all providers of homemaker and chore services paid for with state or federal funds.

(b) This subpart applies to all providers who deliver homemaker or chore services to elderly clients age sixty (60) and older and receive either state or federal funding.

**Authority.** Arkansas Code § 25-10-129.

#### **20 CAR § 430-3203. Definitions.**

As used in this subpart:

(1)(A) "Chore service" means the performance of household chores such as running errands, preparing food, simple household tasks, heavy cleaning, and yard and walk maintenance which do not require the services of a trained homemaker or other specialist.

(B) This cannot include medically oriented personal care tasks;

(2) "Client" means any person who receives one (1) or more chore or homemaker service;

(3)(A) "Homemaker service" means the performance of household tasks such as menu planning, bill paying, checking account management, etc.

(B) "Homemaker service" may include but cannot be limited to household chores.

(C) "Homemaker service" cannot include medically oriented personal care tasks.

(D) A homemaker must be trained in household management tasks and be supervised by a provider agency to ensure that these tasks are completed accurately and appropriately;

(4) "Provider" means any entity that provides one (1) or more of the services described in subdivisions (1) and (3) of this section either as a contractor or subcontractor; and

(5) "Service worker" means any person employed to perform one (1) or more homemaker or chore task.

**Authority.** Arkansas Code § 25-10-129.

### **20 CAR § 430-3204. Policy statement.**

Providers who receive federal or state funds for homemaker or chore services to individuals age sixty (60) and older must comply with the provisions of the Older Americans Act, 42 U.S.C. § 3001 et seq., as well as state rules and federal regulations pertaining to the funding and delivery of such services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3205. Procedural requirements.**

(a) Responsibilities of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services:

- (1) Oversight of all state and federally funded activities which involve service delivery to elderly persons;
- (2) Maintain a list of all chore and homemaker service providers; and
- (3)(A) Accept client complaints with regard to delivery of homemaker or chore services.

(B) This shall include:

- (i) Maintaining a file on all complaints;
- (ii) Investigating complaints unless the division determines that the complaint is without merit; and
- (iii) Recording and filing the disposition and resolution of all complaints, indexed by provider name.

(b) Responsibilities of providers:

- (1) Meet all requirements governing service providers of the program under which funding is being provided;
- (2) Ensure that all service workers are bonded to protect the client from loss due to misconduct or mismanagement of the client's affairs;
- (3) Ensure that all service workers receive instruction in the general needs of elderly clients with regard to homemaker or chore services;
- (4) Ensure that each service worker has the necessary skills to perform the specific services needed by the specific client or clients whom he or she is assigned to serve;
- (5)(A) Review the weekly time sheets of each service worker.
  - (B) Ensure that time sheets are accurate and have been signed by the client or other responsible party;

(6) Visit each client's home at least once every ninety (90) days to evaluate client satisfaction and service worker performance;

(7)(A) Maintain individual records for each client.

(B) These records shall include:

(i) A schedule of service delivery;

(ii) Weekly time sheets recording delivery of services and signed by the client or the responsible party; and

(iii) Record of supervisory visits to the client's home; and

(8) Maintain financial records in accordance with standard accounting procedures and comply with all applicable state rules and federal regulations.

**(c) Complaints.**

(1)(A) Any person who has a complaint about the services provided under this subpart may file a complaint with the division.

(B) The division shall investigate any complaint regarding violations of this subpart.

(2) A record shall be maintained by the division of all complaints and their resolution, indexed by provider.

**Authority.** Arkansas Code § 25-10-129.

**Subpart 33. Arkansas Family Caregiver Support Program**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-17"

"310.012 General Authority 1-1-17

The authority for this Section is Sections 371, 372, 373, and 374 of the Older Americans Act of 1965, as amended [P.L. 106-501], Grants for State and Community Programs on Aging."

**20 CAR § 430-3301. Purpose.**

The purpose of this subpart is to establish administrative and service delivery standards for the Arkansas Family Caregiver Support Program.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-17"

**20 CAR § 430-3302. Scope.**

This subpart applies to all area agencies on aging and their subcontractors who provide family caregiver support services.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-17"

**20 CAR § 430-3303. Generally.**

(a) Each area agency on aging shall establish vendor agreements and/or contracts with community-based organizations to provide multifaceted systems of support services, including counseling, support groups, respite, and other home and community-based services to families caring for their frail older members.

(b) The Arkansas Family Caregiver Support Program also recognizes the needs of grandparents who are caregivers of grandchildren, and to older persons who are relative caregivers of children age eighteen (18) and younger.

(c)(1) An area agency on aging may provide such services directly by requesting a waiver from the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services in accordance with 20 CAR § 430-501 et seq.

(2) The approval of such waiver will be at the division's sole discretion.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3304. Definitions.**

As used in this subpart:

(1) "Area plan" means an area agency on aging's plan of operation which has been approved by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

(2) "Child" means an individual who is not more than eighteen (18) years of age or who is an individual with a disability;

(3) "Elderly client" means an eligible (sixty (60) years of age or older) elderly individual who receives Older Americans Act, 42 U.S.C. § 3001 et seq., services;

(4) "Family caregiver" means an adult family member or another individual who is an informal provider of in-home and community care to an older individual;

(5) "Grandparent or older individual who is a relative caregiver" means a grandparent or step-grandparent of a child or a relative of a child by blood, marriage, or adoption who is fifty-five (55) years of age or older, and:

(A) Lives with the child;

(B) Is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and

(C) Has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally;

(6) "Informal provider" means care that is not provided as part of a public or private formal service program; and

(7) "Subcontractor" means an entity that is awarded a contract from an area agency on aging to provide designated services under the area plan.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-17"

**20 CAR § 430-3305. Procedural requirements.**

(a) Responsibilities of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services:

(1) Designate a coordinator to implement and oversee program development of AFCSP statewide;

(2)(A) Develop and maintain consistent standards and mechanisms for AFCSP to be implemented statewide.

(B) These standards and mechanisms shall be used to ensure the quality of services provided in accordance with the Older Americans Act, 42 U.S.C. § 3001 et seq., Administration for Community Living regulations and policies, and the United States Department of Health and Human Services policies and rules;

(3) Collect, maintain, and report information pertaining to AFCSP to the Assistant Secretary for Aging of the Administration on Aging;

(4) Provide technical assistance as needed; and

(5) Assume quality assurance responsibilities for all caregiver programs to ensure compliance with standards, policies, and procedures of the division and Older Americans Act.

(b) Responsibilities of area agency on aging:

(1) Assess the needs of caregivers in the planned service area (PSA) to develop and submit an area plan or update reflecting local needs to the division outlining the services to be provided at least annually;

(2) Publicize AFCSP services to ensure that individuals throughout the PSA know about the availability of the services;

(3) Provide caregiver information and referral as well as screen individuals for caregiver support services;

(4)(A) An assessment of need for each client should be performed and maintained in a client file.

(B) An in-home assessment will be completed on individuals whose screening indicates a need for respite or supplemental services;

(5) Arrange for the provision of individually needed family caregiver services directly and/or through local service providers;

(6) Maintain current database of programs and services, regardless of funding stream, which a person needing caregiver support services can access;

(7) Organize new, and coordinate with existing, caregiver support groups;

(8) Coordinate AFCSP with other programs and service systems serving persons with disabilities;

(9) Attend training planned by the division;

(10) Ensure appropriate program/financial reporting, billing, and budget reconciliation;

(11) Negotiate contracts and provide quality assurance program implementation;

(12) Compile, maintain, and report waiting lists of persons requesting caregiver services for which service is not available;

(13) Give priority for services to older individuals with greatest social and economic need, with particular attention to low-income older individuals, and older individuals providing care and support to individuals with intellectual disabilities and related developmental disabilities, as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 6001;

(14) Give priority for services to family caregivers who provide care for individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction, as well as grandparents or older individuals who are relative caregivers of children with severe disabilities;

(15)(A) Area agencies on aging are strongly encouraged to seek the input of regional Alzheimer's chapter or chapters, relevant and existing support groups, University of Arkansas Cooperative Extension Service, and area mental health and community-based organizations providing various forms of assistance to family

caregivers who provide informal in-home and community care to older individuals and to grandparents raising grandchildren in maintaining AFCSP in their region.

(B) Additionally, area agencies on aging are encouraged to seek the input of family caregivers providing care to older adults and grandparents raising grandchildren on their service needs;

(16) The area plan must include a service budget for each category of service in the area agency on aging's PSA;

(17) Area agencies on aging will establish and maintain an adequate system for recordkeeping of persons served expenditures and waiting lists by categories established by the Older Americans Act and the division; and

(18) An assessment of needs for each client will be performed and maintained in a client file.

(c) Responsibilities of service providers:

(1) Each provider shall adhere to division policies and procedures for programs on aging and shall provide services in accordance with AFCSP's policies and procedures;

(2) Each provider shall comply with all the provisions of the service descriptions as established by area agencies on aging and the division;

(3) Attend training provided by the division or area agencies on aging;

(4) Each provider shall maintain financial records in accordance with standard accounting procedures and comply with all applicable state rules and federal regulations;

(5) Each provider shall maintain and submit program data and statistics as required by area agencies on aging; and

(6) Forms utilized by providers shall include all information required by area agencies on aging and the division.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-17"

"AFCSP" means Arkansas Family Caregiver Support Program.

**20 CAR § 430-3306. Eligibility for caregiver services.**

Eligibility for caregiver services:

(1) Family caregivers who are adult family members or other individuals providing informal in-home and community care to an older individual (sixty (60) years of age or older) who is frail and determined to be functionally impaired because of:

(A) An inability to perform at least two (2) activities of daily living without substantial human assistance, including:

- (i) Verbal reminding;
- (ii) Physical cueing; or
- (iii) Supervision; or

(B) Due to cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to others;

(2) In the case of a family caregiver of an older individual, respite care and supplemental services under AFCSP shall be provided only if the care recipient is functionally impaired and meets either of the following conditions:

(A) An inability to perform at least two (2) activities of daily living without substantial human assistance, including:

- (i) Verbal reminding;
- (ii) Physical cueing; or
- (iii) Supervision; or

(B) Due to cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to others; and

(3) Services may be provided by grandparents or older individuals who are a relative caregiver of a child by blood, marriage, or adoption who is fifty-five (55) years of age or older, and who:

- (A) Lives with the child;
- (B) Is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and
- (C) Has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-17"

"AFCSP" means Arkansas Family Caregiver Support Program.

**20 CAR § 430-3307. Service components of the AFCSP.**

(a) The five (5) service categories for caregiver services are:

(1)(A) Information provided to caregivers about available services, including public education and provisions of information at health fairs or other similar designations as determined by the state.

(B) Included in the definition of information is "outreach", which means interventions for the purpose of identifying potential caregivers and encouraging their use of existing services and benefits.

(C) Services are directed to large audiences of current or potential caregivers such as:

- (i) Disseminating publications;
- (ii) Conducting media campaigns; and
- (iii) Other similar activities;

(2)(A) Access/assistance given to caregivers in gaining access to services by linking individuals to the opportunities and services available to the maximum extent.

(B) The provider should ensure that the individual receives the services needed and make opportunities available to the individuals by establishing adequate follow-up procedures.

(C) Case management is assistance either in the form of access or care coordination in circumstances where the older person or their caregivers are experiencing diminished functioning capacities, personal conditions, or other characteristics which require the provision of services by formal service providers.

(D) Activities of case management include assessing needs, developing care plans, authorizing services, arranging services, coordinating the provision of service among providers, and follow-up and reassessment, as required;

(3) Counseling includes individual counseling, organization of support groups and caregiver training to assist caregivers in the areas of health, nutrition, financial literacy, and making decisions, as well as solving problems relating to their caregiver roles;

(4)(A) Respite care provides temporary, substitute supports or living arrangements to provide a brief period of rest for caregivers.

(B) It can be in the form of in-home, adult day care, or institutional respite.

(C) The respite period may be an overnight stay or may be taken on an intermittent, occasional, or emergency basis by the hour.

(D)(i) Respite care services may include the following activities:

(a) In-home services, including services provided by volunteers or in-home service providers;

(b) Adult day care services; or

(c) Institutional respite care.

(ii) For grandparents caring for children this could include summer camps; and

(5)(A) Supplemental services are provided on a limited basis, not to exceed ten percent (10%) of the Title III-E Allocation, to complement the care provided by caregivers.

(B) Supplemental services includes goods or services to assist the caregiver and/or the care recipient, as needed.

(C)(i) Examples include:

- (a) Blood pressure measuring instruments;
- (b) Insulin test kits;
- (c) Dental work;
- (d) Eyeglasses (caregiver only);
- (e) One-time medications;
- (f) Homemaker;
- (g) Chores; and
- (h) Personal care.

(ii) **Note.** Care recipient must not be Medicaid eligible.

(D) Under the flexible AFCSP, these services or supports could be provided on a limited basis for either the caregiver or care receiver.

(b) **Temporary.**

(1) No more than seven (7) consecutive days or more than fourteen (14) days in a calendar year.

(2) A day is considered to be a twenty-four-hour time period.

(3) A client can have three hundred thirty-six (336) hours a year of respite services (fourteen (14) days) but not more than one hundred sixty-eight (168) hours of respite services for seven (7) consecutive days.

(c) **Limited basis.** Caregiver services shall not be given more than once per week, or a total of eight (8) hours per week.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-17"

"AFCSP" means Arkansas Family Caregiver Support Program.

**20 CAR § 430-3308. Respite care and supplemental restriction.**

(a)(1) In order to be eligible for respite care and supplemental services, i.e., personal assistance, family caregivers must be providing in-home and community care to older individuals who meet the following definition of "frail" as outlined in subparagraph (A)(i) or (B) of Section 102(28) of the Older Americans Act, 42 U.S.C. § 3002(22).

(2) "Frail" means that the older individual is determined to be functionally impaired because the individual:

(A) Is unable to perform at least two (2) activities of daily living without substantial human assistance, including:

- (i) Verbal reminding;
- (ii) Physical cueing; or
- (iii) Supervision; or

(B) Due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

(b) **Note.** This restriction does not apply to grandparents or older individuals who are relative caregivers of children not more than eighteen (18) years of age from receiving respite care and/or supplemental services.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-17"

**20 CAR § 430-3309. Funding requirements.**

(a) No area agency on aging may use more than ten percent (10%) of its award to provide Title III-E services to grandparents and older individuals who are relative caregivers of minors.

(b)(1) No area agency on aging may budget and/or expend more than twenty percent (20%) of its federal award to provide supplemental services.

(2) Supplemental services are flexible enhancements to caregiver support programs designed for the benefits of caregivers.

(c) No area agency on aging may use more than ten percent (10%) of its award for administrative costs.

(d) Area agencies on aging are not allowed to transfer funds between Title III-E and any other titles in the Older Americans Act, 42 U.S.C. § 3001 et seq.

(e) The current Intrastate Funding Formula will be used to distribute Title III-E funds.

(f)(1) The intent of the Title III-E maintenance of effort provision in Section 374 of the Older Americans Act, 42 U.S.C. § 3030s-2, is that states and area agencies on aging do not use the funds available under Title III-E to supplement existing services.

(2) Title III-E funds must be spent in addition to, and shall not supplant, any federal, state, or local funds expended by an area agency on aging to fund services described in this subpart provided prior to the date of enactment of Part E, effective November 12, 2000.

(g) State Aging Services may be used to match the Title III-E funds.

(h) All Older Americans Act requirements, regarding program income, apply to Part E services.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-17"

**20 CAR § 430-3310. Reporting requirements.**

Area agencies on aging and their providers must adhere to all Older Americans Act, 42 U.S.C. § 3001 et seq., and Division of Aging, Adult, and Behavioral Health Services

of the Department of Human Services reporting policies and procedures (see 20 CAR § 430-1401 et seq.).

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "1-1-17"

### **Subpart 34. Financial Management**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"General Authority:

Older Americans Act law and regulations

Arkansas Code Ann. §25-10-101 et seq."

#### **20 CAR § 430-3401. Purpose.**

The purpose of this subpart is to outline the process for receiving grant funds from the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

**Authority.** Arkansas Code § 25-10-129.

#### **20 CAR § 430-3402. Scope.**

The scope of this subpart is grantees, contractors, and subcontractors of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3403. Policy statement.**

(a) In order to receive grant funds from the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, grantees must comply with the following requirements:

- (1) Submit a proposed budget;
- (2) Provide required expenditure information and reports;
- (3) Provide the division with a preliminary determination of the funds remaining from grants within forty-five (45) days of the end of the grant period; and
- (4) Notify the division of final audited fund balances within thirty (30) days after the agency's single agency audit is due.

(b) Grantees will not be allowed to draw cash before they need it and will not be allowed to keep excessive cash on hand.

(c) Grantees must have written approval from the division to spend funds remaining from previous grants.

**Authority.** Arkansas Code § 25-10-129.

**Subpart 35. State Older Worker Community Service Employment Program**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "11-1-16"

"501.012 General Authority 9-1-10

Older Workers Community Service Employment Act 1031

Older Americans Act of 1965 (As Amended)"

**20 CAR § 430-3501. Purpose.**

The Older Worker Community Service Employment Program was established in order to foster individual economic self-sufficiency and promote useful part-time

employment opportunities in community service activities for economically needy persons who are age fifty-five (55) or older and who have poor employment prospects.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "11-1-16"

**20 CAR § 430-3502. Scope.**

This subpart applies to all grant recipients of the program and to any subgrantee or contractor that receives program funds and/or participates in the program.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

**20 CAR § 430-3503. Generally.**

This subpart is to establish and govern the administration and operations of the Older Worker Community Service Employment Program and related funding.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3504. Definitions.**

As used in this subpart:

(1) "Act" means the Older Worker Community Service Employment Act, Acts 1985, No. 1031;

(2) "Community-based agency" means a public or not-for-profit organization whose primary purposes and experiences are in the development and implementation of programs for the elderly;

(3) "Community service" means social, health, welfare, educational, recreational development, maintenance or restoration of natural resources, community betterment or beautification, environmental protection, and such other services which are or might be essential and necessary to the community;

(4) "Department" means the Department of Human Services;

(5) "Division" means the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

(6)(A) "Eligible individual or participant" means an individual who is age fifty-five (55) or older.

(B) Priority will be given to individuals with the greatest economic need based on criteria included in 20 CAR § 430-3514(b);

(7) "Family" means two (2) or more persons related by blood, marriage, or decree of court, and who are living together at a single residence including:

(A) Husband, wife, and dependent children;

(B) Parent or guardian and dependent children;

(C) Husband and wife; and

(D) Individuals living together under common law and filing joint tax returns;

(8) "Participant" means an individual who is eligible, receives services, and is paid wages for engaging in community service employment; and

(9) "Program" means the Older Worker Community Service Employment Program as created by the act and, given the context in which the program is used, shall mean either the statewide program or an individual program administrated in a planning and service area (PSA).

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "11-1-16"

**20 CAR § 430-3505. Allocation of program funds.**

(a) Allocation of program funds shall be made for each state fiscal year (SFY) and at no time shall the total allocation exceed the General Assembly's appropriation to the program for the specific SFY.

(b) Prior to the beginning of each SFY, the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall determine the total funds to be allocated for the program based on anticipated availability of funds as prescribed by the Revenue Stabilization Act and/or other administrative, regulatory, and statutory requirements.

(c)(1) After the base has been distributed, the remaining program funds shall be allocated to each of the public service areas (PSAs) based on the same funding formula utilized to allocate Title III funds.

(2) The most current listing of the Title III PSAs and allocation formula shall be utilized.

(d)(1) Prior to the beginning of an SFY, the division shall notify each PSA's designated program grant recipient of its allocation of program funds for the new SFY.

(2) In the event of an increase or decrease in availability of total program funds during an SFY, the division shall proportionately revise the allocations to each PSA, based on the allocation formula.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

**20 CAR § 430-3506. Designation of program grant recipients.**

(a) The area agency on aging, as designated under Title III of the Older Americans Act, 42 U.S.C. § 3021 et seq., in each of the PSAs shall be the community-based agency to receive and administer the program grant in its PSA.

(b) The most current designation of area agencies on aging shall be utilized.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

"PSA" means public service area.

**20 CAR § 430-3507. Award of program funds.**

(a) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall provide each designated program grant recipient area plan instructions prior to the beginning of the grant period.

**(b) Review and approval of area plan submissions.**

(1) The division will review and consider for approval each area plan submission.

(2) In reviewing each area plan, the division will determine whether:

(A) Funds are available for the proposed program; and

(B) The area plan is complete and has been prepared in accordance with the instructions of the division.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

**20 CAR § 430-3508. Program operations.**

(a) This section states the basic standards that shall be followed by all area agencies on aging receiving and administering funds under the act.

(b) At a minimum, the program and each area plan funded will:

(1) Provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(2) Employ eligible individuals in community service programs or agencies sponsored by organizations exempt from taxation under the provisions of the Internal Revenue Code (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(3) Contribute to the general welfare of the community;

(4) Provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(5) Result in an increase in employment opportunities for eligible individuals and will not result in the displacement of employed workers or impair existing contracts;

(6) Utilize methods of recruitment and selection which will ensure that the maximum number of eligible individuals will have an opportunity to participate in the program;

(7) Ensure that, to the extent feasible, the program will serve the needs of minority eligible individuals in proportion to their number in the state;

(8) Ensure that safe and healthy conditions of work will be provided and that persons employed in community service jobs assisted under the act shall be paid at least the minimum wage established by the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; and

(9)(A) Ensure that program employers provide personnel fringe benefits for participants.

(B) Such coverage shall include workers' compensation, unemployment insurance, FICA, and other coverage as may be required by regulation or policy.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

"FICA" means Federal Insurance Contributions Act, 42 U.S.C. § 3101 et seq.

**20 CAR § 430-3509. Basic responsibilities of the area agencies on aging.**

The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services will hold the area agencies on aging responsible for:

- (1) Following and enforcing the requirements set forth in the act and this subpart;
- (2) Implementing and carrying out the program in accordance with provisions of its approved area plan; and
- (3) Ensuring that the program is in compliance with all federal, state, and local laws, rules, and regulations related to:
  - (A) Employment practices;
  - (B) Civil rights; and
  - (C) Nondiscrimination.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

**20 CAR § 430-3510. Cooperative relationships.**

(a) Each area agency on aging shall, to the maximum extent feasible, coordinate and maintain cooperative relationships and working linkages with employment and training agencies, e.g., local workforce centers and sponsors of Title V of the Older Americans Act, 42 U.S.C. § 3056 et seq.

(b) Further, each area agency on aging is encouraged to cooperate with other agencies whose cooperation would enhance the program's success.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

**20 CAR § 430-3511. Recruitment and selection of eligible individuals.**

Each area agency on aging shall develop and utilize a plan for recruitment and selection of eligible participants which will:

(1) Utilize methods of recruitment and selection which will ensure that the maximum number of eligible individuals will have an opportunity to participate in the program;

(2) Result in an increase in employment opportunities for eligible individuals whose education, job skills, experience, and other limiting factors reduce the individual's likelihood of obtaining suitable public or private paid employment; and

(3) Ensure that, to the extent feasible, the program will serve the needs of the eligible minority individuals in proportion to their number in the PSA.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

"PSA" means public service area.

**20 CAR § 430-3512. Eligibility for participation in the program.**

(a)(1) The eligibility criteria set forth in this section applies to all program applicants and participants.

(2) Each area agency on aging is responsible for ensuring and documenting the eligibility of each participant.

(b) To be eligible for initial enrollment, re-enrollment, or certification for continued enrollment, each individual shall meet the criteria for age and place of residence:

(1) **Age.**

(A) Each individual must be no less than fifty-five (55) years of age.

(B) No person shall be determined ineligible solely because of advanced age, and no upper age limit shall be imposed for continued participation; and

(2) **Place of residence.** Each individual must be a resident of the State of Arkansas.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "11-1-16"

**20 CAR § 430-3513. Eligibility determination of the area agencies on aging.**

(a)(1) Area agencies on aging shall obtain the information necessary for proper determination of eligibility for each individual.

(2)(A) Documentation of the initial eligibility determination, re-eligibility determination, and continued eligibility determination should be kept in each participant's file, i.e., copies of proof of age and proof of residence, etc.

(B) The information shall be obtained:

(i) Primarily through personal interviews and shall be recorded on an intake or application form; and

(ii) In the beginning phase of the orientation and assessment to the program.

(3)(A) The information shall be verified by the dated signature of the individual on the intake or application form.

(B) Area agencies on aging are responsible for ensuring that the required personal information reported by individuals appears reasonably reliable and consistent.

(b)(1) Each determination of eligibility shall be recorded on the area agency on aging's intake or application form.

(2) The participant's name and the name, title, and signature of the area agency on aging official who made the determination and the grounds for any unfavorable determination shall also be noted.

(c)(1) Each area agency on aging shall recertify the proof of residence of each participant at least once during each SFY.

(2) A participant found to be ineligible for continued participation in the program because of residency shall be given immediate written notification that their participation in the program will be terminated thirty (30) days after the notice.

(3) Area agencies on aging shall be responsible for ensuring that ineligible participants are terminated at the end of the thirty-day period.

(d) If at any time an area agency on aging discovers that an individual was incorrectly determined to be eligible as a direct result of false information provided by that individual, the individual's participation shall be terminated immediately and the participant shall be notified in writing.

(e)(1) If at any time an area agency on aging determines that an individual was incorrectly determined to be eligible through no fault of the individual, the area agency on aging shall give the participant immediate written notice that their participation will be terminated thirty (30) days after the notice.

(2) The area agencies on aging shall be responsible for ensuring that ineligible participants are terminated at the end of the thirty-day period.

(f)(1) When an area agency on aging makes an unfavorable determination on eligibility or continued eligibility, the area agency on aging shall explain, in writing, to the applicant or participant the reason or reasons for the determination.

(2) The area agency on aging shall inform each individual affected by an unfavorable determination that the determination may be appealed pursuant to the area agency on aging's appeals process.

(g) When an area agency on aging makes a determination of ineligibility pursuant to subsections (c) and (e) of this section, the area agency on aging should ensure that,

to the extent feasible, the individual is referred to other sources of assistance, such as potential employment training programs or other agencies which may be capable of assisting the individual.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "11-1-16"

"SFY" means state fiscal year.

**20 CAR § 430-3514. Employment priorities for eligible individuals.**

(a) Area agencies on aging shall develop and utilize policies and procedures related to the actual employment of eligible individuals, including criteria for prioritization and selection of eligible individuals, and the use of any waiting list for actual participation (employment) due to limitations in financial resources and/or available employment positions.

(b)(1) In selecting eligible individuals for participation (employment), the area agencies on aging will strive to give priority to those most in need.

(2) Criteria for determining the most economically needy individual may include the amount of financial assistance available to the individual from other sources, and the urgency of the individual's immediate economic needs, including but not limited to income for:

- (A) Subsistence;
- (B) Housing; and
- (C) Medical expenses.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "11-1-16"

**20 CAR § 430-3515. Duration of participation.**

(a)(1) No time limitation on participation may be established or used within the program.

(2) This requirement does not apply to time limited employment assignments or to positions and/or duties that are appropriately discontinued by the area agencies on aging or host agency, but rather to any maximum time period that an eligible participant may continue to be employed or be considered for employment.

(b) The provisions of subsection (a) of this section do not prohibit the area agencies on aging from terminating an individual's participation in the program for cause as provided in 20 CAR § 430-3517(m).

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

**20 CAR § 430-3516. Orientation and assessment of eligible individuals.**

(a)(1) Each area agency on aging/host agency shall, when practicable and preferably during the eligibility determination phase, provide eligible individuals a formal orientation to the project.

(2) The orientation shall provide the individual with information related to:

- (A) The Older Worker Community Service Employment Program;
- (B) Available community service employment assignments;
- (C) Available supportive services;
- (D) The rights and responsibilities of the participant;
- (E) Available training through the program;
- (F) Allowable and prohibited political activities;

- (G) Goal of transition to unsubsidized employment;
- (H) Information regarding safe working conditions at the host agencies;
- (I) Responsibility of the host agency to transition the participant into unsubsidized employment; and
- (J) Hours of work.

(b)(1) The area agency on aging/host agency shall determine the most suitable employment assignment for that individual.

(2) The determination shall be made in consultation with the individual and should consider the individual's:

- (A) Preference for type of employment assignments;
- (B) Work history;
- (C) Skills and aptitudes;
- (D) Capacity to perform proposed community service employment;
- (E) Initial and long-range employment goals;
- (F) Barriers to employment;
- (G) Needed supportive services; and
- (H) Needed training.

(c)(1) The area agencies on aging, when possible, will develop a community service employment assignment that will be both personally rewarding and permit the most effective use of the participant's individual skills and aptitudes.

(2) Participants should be assigned to community service employment positions that contribute to the general welfare of the community.

(d) The area agencies on aging shall make periodic assessments no less frequently than once each year to:

- (1) Evaluate the participant's satisfaction with the employment assignment;
- (2) Determine any need for supportive services; and
- (3) Assess the participant's job performance.

(e) The assessment required by this section shall be documented and be a part of the participant's permanent record which will be maintained by the area agencies on aging.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

**20 CAR § 430-3517. Community service employment.**

(a)(1) Participants who are employed and paid wages from funds under the act shall be considered area agency on aging employees.

(2) Participants who are employed in any program funded under the act are not state or federal employees.

(b)(1) As soon as possible after the completion of eligibility determination and orientation, area agencies on aging shall assign the individual to useful part-time community service employment.

(2) A community service employment assignment may be:

(A) Created and supervised by the area agencies on aging; or

(B) Developed by or in consultation with a qualified host agency and supervised by the host agency.

**(c) Hours of community service employment.**

(1) Employment provided by an area agency on aging's program under the act shall not exceed one thousand three hundred (1,300) hours, including paid holidays and sick leave, during the SFY.

(2) Each participant shall be offered an average of no fewer than twenty (20) hours of paid employment per week, unless otherwise agreed to in writing between the participant and the area agency on aging.

(d) Participants shall be employed at worksites in or near the communities where they live.

**(e) Work assignments.**

(1) Participants may be employed and/or receive employment assignments in host agencies, projects, or facilities that involve community services as provided in the act.

(2) Area agencies on aging shall, to the extent feasible, give eligible individuals first consideration for work assignments involving the operation of the programs consistent with the individual's stated preferences and based on their skills and aptitudes.

(3) The area agencies on aging shall give emphasis to work assignments that involve activities designed to directly or indirectly benefit the elderly and particularly the economically needy elderly.

(4) Participants shall not be placed in work assignments involving activities that will result in the displacement of employed workers.

**(f) Supervision.**

(1) The area agencies on aging shall ensure that participants are provided adequate orientation and instruction regarding assigned job responsibilities and job safety.

(2) The area agencies on aging shall ensure that participants receive at least the same level of supervision as regular employees performing similar jobs for the area agency on aging or host agency.

(3)(A) When a participant is in a work assignment with a host agency, the host agency shall provide supervision.

(B) In such cases, the area agency on aging shall make periodic visits to the job site to determine that the:

(i) Host agency's supervision is adequate;

(ii) Participant's job duties and hours are consistent with established requirements; and

(iii) Participant's work performance is satisfactory.

(4) The area agencies on aging and/or the host agency supervising the participant shall maintain supervisory and other personnel records as prescribed by

their policies and/or written agreements between the area agencies on aging and host agency.

(g) No participant shall be assigned or permitted to work in buildings, surroundings, or under conditions which are unsanitary, hazardous, or dangerous to the participant's health or safety.

(h) **Nondiscrimination.**

(1) No person shall, on the grounds of race, color, religion, sex, national origin, disability, or age, except where age is a valid consideration under the act and 20 CAR § 430-3512(b)(1), be excluded from participation in, be denied the benefits of, or be subjected to discrimination in connection with any program or activity funded, directly or indirectly, in whole or in part with funds made available through the act.

(2) The area agencies on aging shall be responsible for ensuring that no discrimination prohibited by this subsection occurs in its program or employment assignments with host agencies, and shall establish an effective mechanism for this purpose.

(3)(A) No participant may be placed in an employment assignment involving political activities in the offices of elected officials.

(B)(i) Where positions are technically located in such offices, but are actually direct community service activities not in any way involved in political function, employment assignment is permissible.

(ii) In such cases, the area agencies on aging shall develop safeguards to ensure that participants in those positions are not involved in the political nature of the position.

(i) **Nepotism.**

(1) No area agency on aging or host agency may hire, place, or utilize a person in an administrative capacity, staff position, or program participation resulting in employment under the act if a member of that person's immediate family is engaged in an administrative capacity for that area agency on aging or host agency.

(2) For purposes of this subsection:

(A) "Immediate family" means:

- (i) Wife;
- (ii) Husband;
- (iii) Son;
- (iv) Daughter;
- (v) Mother;
- (vi) Father;
- (vii) Brother;
- (viii) Sister;
- (ix) Brother-in-law;
- (x) Sister-in-law;
- (xi) Son-in-law;
- (xii) Daughter-in-law;
- (xiii) Aunt;
- (xiv) Uncle;
- (xv) Niece;
- (xvi) Nephew;
- (xvii) Stepparent; and
- (xviii) Stepchild; and

(B) "Person in administrative capacity" includes those persons who in the administration of the program or host agencies have responsibility for or authority over those responsible for the selection of participants from among eligible individuals.

**(j) Eligible participant wages and fringe benefits.**

(1)(A) Participants, whether working directly for the area agency on aging or placed with a host agency, shall be considered employees of the area agency on aging.

(B) As such, the area agency on aging shall be responsible for payment of wages to the participants, payments for fringe benefits, maintenance and reporting of all required payroll and related records, maintenance of participants' personnel records in compliance with federal and state laws, regulations, and rules, and established area agency on aging policies and procedures.

(2) While engaged in part-time community service employment under the act, participants shall receive no less than the minimum wage of the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq.

(3) A participant performing in the same or similar position as a regular employee of the area agency on aging or host agency shall be paid the prevailing rate of pay for that regular position provided the rate is no less than minimum wage.

(4) Area agencies on aging shall ensure that participants receive all fringe benefits required by law, including:

(A) Social Security;

(B) Federal Insurance Contribution Act, 26 U.S.C. § 3101 et seq.;

(C) Workers' compensation; and

(D) Unemployment insurance.

(5)(A) Fringe benefits for participants shall be allowable provided they are administered uniformly to all participants within the area agency on aging and conform to established area agency on aging policy.

(B) Such benefits may include:

(i) Paid holidays;

(ii) Vacation and sick leave; and

(iii) Health insurance.

**(k) Participant travel and incidentals.**

(1)(A) Area agencies on aging, prior to expending program funds for participant travel, must first seek transportation or travel reimbursement from other sources at no cost to the program.

(B) In general, travel expenses related to the participant's direct performance of their job duties should be provided by the host agency when such expenses are provided for regular employees performing the same or similar duties as the participant.

(2) When travel is an essential part of the participant's job duties and there is no other source of funds for travel expenditures for such, costs shall be in keeping with the area agency on aging's policy regarding travel expenses and reimbursement.

(3)(A) If not available from other sources and when essential to the performance of the participant's job duties, area agencies on aging may utilize program funds to provide incidentals for the participants.

(B) Examples of items that may be provided include, but are not limited to:

- (i) Work shoes;
- (ii) Uniforms;
- (iii) Safety glasses; and
- (iv) Hand tools.

(C) As in the case of travel expenses, when the area agency on aging or host agency provides such incidentals to its regular employees, it should also provide the incidentals to the participant at no cost to the program.

**(l) Termination of employment assignment.**

(1) A participant may resign his or her position in a specific employment assignment at any time.

(2) The participant shall provide the host agency and the area agency on aging with adequate notice according to the area agency on aging's procedures.

(3) The area agency on aging and/or host agency may terminate an employment assignment provided:

(A) The termination of the assignment is due to a programmatic and administrative decision to discontinue or reduce the related service and/or as a result of limitation in available resources;

(B) The affected participant is provided written notice according to the area agency on aging's written procedure;

(C) The area agency on aging or host agency takes such action in accordance with its established policies; and

(D) Participants so terminated shall be given preference over other eligible individuals in employment assignment.

**(m) Termination of a participant for cause.**

(1)(A) The area agency on aging or host agency may terminate, for cause, a participant's employment in a specific position assignment.

(B) Such action shall be in accordance with the agency's established policies for regular employees and the terminated individual shall have the same right of appeal as a regular employee of the agency.

(2)(A) The participant shall be given written notice of termination that shall include the reason or reasons for the action and the participant's right of appeal.

(B) When the termination action is taken by a host agency, that agency shall also provide the area agency on aging with a copy of the termination notice.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "11-1-16"

"SFY" means state fiscal year.

**20 CAR § 430-3518. Host agency agreements.**

(a) Area agencies on aging may enter into agreements with other public and private community service programs or agencies, as provided in the act, in order to develop and provide community service employment assignments for program participants.

(b)(1) The area agency on aging/host agency agreement shall be a formal written document and shall detail the duties and responsibilities of each party.

(2) Such agreement shall comply with the provisions of the act and this subpart.

(c) The area agencies on aging shall be responsible for ensuring that such agreements comply with established standards and for the performance and manner of performance of all activities under such agreements.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

**20 CAR § 430-3519. Participant records.**

(a)(1) The area agencies on aging shall develop and maintain an individual record for each program applicant and eligible participant.

(2) The record shall contain all application or intake forms and information, eligibility documents, and eligibility reassessment documentation, documents normally maintained in regular employee personnel records, and any other information that may be required by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(b) The area agencies on aging shall maintain the participant records in such a way as to ensure that no information about a participant or obtained from a participant by the area agencies on aging, host agency, or the division is disclosed in a form that identifies the participant without the informed consent of the participant or of their legal representative, unless the disclosure is required by court order or for program monitoring by the division or the area agencies on aging.

(c) Medical information regarding the participant shall be kept in a separate file.

(d) A participant shall have the right to review their personnel record upon request and in accordance with the area agency on aging's established policies.

(e)(1) A host agency shall develop and maintain a personnel record for each participant they employ.

(2) This record shall be maintained in accordance with the agency's policy for personnel records of its regular employees and according to any requirements set forth in the area agency on aging/host agency agreement.

(3) The provision of subsections (a) and (b) of this section shall apply to host agency records.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

**20 CAR § 430-3520. Supportive services and training.**

(a)(1) Area agencies on aging shall provide job-related counseling to participants to assist them in successfully participating in community service employment.

(2) This assistance shall be available to participants and, at a minimum, shall provide a referral to local public or private service agencies.

(b) Important consumer related information or training in areas such as Social Security benefits, income tax requirements, nutrition, and personal health may be provided for participants by the area agencies on aging.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

**20 CAR § 430-3521. Participant appeal and adverse action.**

(a) Each area agency on aging shall establish written program policies and procedures for the hearing and resolution of individuals' complaints and appeals related to:

- (1) Unfavorable eligibility determination;
- (2) Unfavorable continued eligibility determination;
- (3) Termination for cause of an eligible participant from the program; and
- (4) Other grievances related to adverse actions or lack of actions by the area agencies on aging, except those actions as included in subsection (b) of this section.

(b) For the purposes of appealing or grieving an action or lack of action that directly relates to a participant's work assignment, the area agency on aging or host

agency shall make available and utilize the same appeal and/or grievance policy and procedures that are applicable to its regular employees.

(c) Each area agency on aging ensures that the host agencies have written program policies and procedures for the hearing and resolution of individuals' complaints and appeals.

(d) Participant complaints alleging discrimination on the basis of race, color, religion, sex, national origin, disability, or age, except when age is a valid consideration under 20 CAR § 430-3512(b)(1), which are not resolved as a result of the area agency on aging's procedures, may be filed with the Equal Employment Opportunity Commission.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

**20 CAR § 430-3522. Administration standards and procedures.**

**(a) Allowable program cost.**

(1)(A) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall pay one hundred percent (100%) of the allowable program cost of the program grant award to an area agency on aging.

(B) The actual payment shall not exceed the total of the grant award or the prorated share of the total available program grant funds.

(2)(A) No more than eight and one-half percent (8.5%) of the area agency on aging's grant award may be expended for administrative costs.

(B) Administrative costs include, but are not limited to:

(i) Salaries, wages, and fringe benefits for program administrators and staff;

(ii) Consumable office supplies used by program staff;

(iii) Costs incurred in the development, preparation, presentation, management, and evaluation of the program;

(iv) Costs of establishing and maintaining accounting and management information systems;

(v) Costs incurred in the establishment and maintenance of advisory councils, travel of program administrators, and staff;

(vi) Rent, utilities, custodial services, and indirect cost allowable to the program;

(vii) Training of staff and technical assistance to host agencies; and

(viii) Cost of equipment and materials for use by staff and participants performing staff functions and audit services.

(C)(i) An area agency on aging may lower these costs by assigning participants in the administration of the project provided that the other provisions of this subpart are met.

(ii) In such events, participant wage and fringe benefit costs shall be charged to the cost category of participant wages and fringe benefits.

(iii) However, the cost of travel, supplies, or related costs incurred by participants, if incurred as a program staff member, would be charged to the cost category of administration.

(3)(A) No less than eighty percent (80%) of the program grant funds may be expended for participant wages and fringe benefits.

(B) Participants' wages are wages paid to participants for their hours of community service employment as defined in this subpart.

(4) Program funds provided to the area agencies on aging under the act that are not budgeted and expended for the cost category of administration or participant wages and fringe benefits may be budgeted and expended for the cost category of other participant costs including, but not limited to:

(A) Providing participant travel and incidentals; and

(B) Providing supportive materials and training.

(5) Any request for or approval of an area agency on aging's program budget shall be in accordance with this subpart and the division's established procedures for all grants and area plans.

(b) **Financial management standards.** Each area agency on aging shall establish and maintain a financial management system that meets the standards set forth by the division for all grant funds and audit standards.

(c) **Financial reporting requirements.** Each area agency on aging shall submit to the division those financial reports that are required by the division for all grants and area plans according to established procedures and deadlines.

(d) **Other financial standards and procedures.**

(1)(A) Each area agency on aging shall be subject to the same standards and procedures established by the division for all grants and area plans.

(B) These include, but are not limited to:

- (i) Bonding and insurance;
- (ii) Project income;
- (iii) Property management; and
- (iv) Procurement.

(2) The division shall disburse grant funds based on the area agency on aging's request for funds as provided in the division's established procedures related to all grants and area plans.

(e) **Retention of records.**

(1) Each area agency on aging shall be responsible for all records, documents, and files required under this subpart.

(2) Retention of and access to those records, reports, documents, and files shall be in accordance with the division's established policies and procedures for all grants and area plans.

(f) **Monitoring and reporting program performance requirements.**

(1) Each area agency on aging shall monitor and report program performance as required by the division.

(2)(A) Each area agency on aging shall submit an Older Worker Community Service Employment Program Quarterly Report.

(B) This report shall be prepared for each quarter and shall be submitted to the division no later than the fifteenth of the first month of the following quarter.

(C) The division will provide the report form.

(3) Each area agency on aging shall submit, upon request by the division, any special reports, records, or documents as may be required from time to time.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "9-1-10"

### **Subpart 36. Senior Community Service Employment Program**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "5-1-2018"

"502.012 General Authority 6-1-97  
Older Americans Act of 1965, as amended."

#### **20 CAR § 430-3601. Purpose.**

This subpart is to establish and govern the administration and operations of the Title V program and related funding.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3602. Scope.**

This subpart applies to all grant recipients of the program and to any subgrantee or contractor that receives program funds and/or participates in the program.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3603. Generally.**

(a) The Senior Community Service Employment Program provides useful part-time community service and work-based training for low-income individuals age fifty-five (55) and older who have poor employment prospects while promoting transition to unsubsidized employment to foster individual economic self-sufficiency and to increase the number of older persons who may enjoy the benefits of unsubsidized employment in both the public and private sector.

(b) Eligible employees receive:

- (1) Wages;
- (2) Skill enhancement opportunities;
- (3) The offer of periodic physical exams;
- (4) Personal and employment counseling; and
- (5) Assistance in obtaining unsubsidized employment.

**Authority.** Arkansas Code § 25-10-129.

**20 CAR § 430-3604. Definitions.**

As used in this subpart:

- (1) "Enrollee" means a person who is enrolled in the Title V program;
- (2) "Host agency" means a public agency or a private nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code of 1986;

(3) "SCSEP" means the Senior Community Service Employment Program;

(4) "Subgrantee" means the agency who is the recipient of the Title V grant that is administrated through the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services; and

(5) "Title V" means Title V of the Older Americans Act, 42 U.S.C. § 3056 et seq.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3605. Eligibility for SCSEP enrollment.**

(a)(1) For initial enrollment, unemployed individuals must meet eligibility criteria for:

- (A) Age;
- (B) Income;
- (C) Place of residence; and
- (D) No additional employment.

(2) Continued enrollment in the program shall require the individual to meet the age, income, residency, and no additional employment criteria.

(3) Eligibility is determined at the time the individual applies to participate in SCSEP and at least once every twelve (12) months thereafter.

(4) Eligibility can also be verified as circumstances require it.

(b) Eligibility criteria:

- (1)(A) Age.
  - (B) Individuals must be at least age fifty-five (55).
  - (C) No upper age limit restriction shall be imposed;
- (2)(A) Income.

(B)(i) The income of an individual or the family of which the individual is a member shall not exceed one hundred twenty-five percent (125%) of the family income levels established by the United States Department of Health and Human Services and approved by the Office of Management and Budget.

(ii) In addition, a person with disabilities may be treated as a "family of one" for eligibility purposes.

(C) The grantee/subgrantee will go by the United States Department of Labor Employment and Training Administration's Training and Employment Guidance Letters regarding income definitions and income inclusions and exclusions when determining SCSEP eligibility.

(D) Computation of income:

(i) Income received during the prior twelve-month period or, if more favorable to the applicant, the six-month period annualized; and

(ii) Ending on the date an eligible individual submits an application to participate in the program;

(3)(A) Place of residence.

(B) Individuals shall have a place of residence in the State of Arkansas and no length of residency may be imposed; and

(4)(A) Unemployment.

(B) A participant must be unemployed at the time of enrollment.

(C)(i) If they become employed either full-time or part-time while enrolled in the program, they must exit the program.

(ii) This does not include casual, nonrecurring labor such as occasional babysitting or shoveling a neighbor's sidewalk.

(c) No additional eligibility requirements shall be imposed by the project or subgrantee.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3606. Enrollment priorities.**

(a) When there are limited positions available, priority must be given in accordance with the Older Americans Act of 1965, 42 U.S.C. § 3001 et seq., as amended, and the Jobs for Veterans Act, 38 U.S.C. § 4101 et seq.

(b)(1) All applicants will be asked about veteran status.

(2) Veterans will be asked to provide a copy of their DD-214, which will be kept in the participants' files.

(c) As vacancies become available, staff will enroll applicants with the highest priority from the waiting list.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3607. Division responsibilities.**

The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services is responsible for all program activities as prescribed by the Older Americans Act of 1965, 42 U.S.C. § 3001 et seq., as amended, the grant agreement, and other United States Department of Labor guidance and regulations.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3608. Grant application procedures.**

The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall plan, write, and submit the annual grant application to the United States Department of Labor for Title V funds and positions to conduct the SCSEP through subgrants as follows:

(1) Public and/or private nonprofit organizations shall be requested to submit Request for Applications to the division for Title V funds and approved positions;

(2) Upon review and approval of the subgrant application by the state agency, approved positions and funds will be allocated to the subgrantee; and

(3) The subgrantee whose request for application is in compliance with all state and federal requirements and who is chosen for a subgrant by the division shall be notified of subgrant approval.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3609. SCSEP state procedures.**

The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall develop and disseminate procedures regarding the administration and management of the SCSEP Title V program in Arkansas to ensure subgrantee compliance with the following federal statutes and regulations:

(1) Older Americans Act of 1965, 42 U.S.C. § 3001 et seq., as amended;

(2) United States Department of Labor Training and Employment Guidance Letters; and

(3) United States Department of Labor Older Worker Bulletins.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3610. Program monitoring and reporting.**

Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services monitoring of subgrantees' performance and achievement of established program goals and objectives shall be ongoing during the program year and shall include, but not be limited to, the following:

(1)(A) On-site monitoring of each subgrantee at a minimum of once each program year utilizing an SCSEP Assessment Tool to ensure that the requirements of the Older Americans Act, 42 U.S.C. § 3001 et seq., other federal regulations promulgated under the act, and division rules are followed and appropriate services are provided.

(B) The SCSEP Assessment Tool is provided to subgrantees prior to the assessment.

(C) A written report shall be provided to the subgrantee administrator with comments and program recommendations/corrective action.

(D) On-site reviews shall include, but not be limited to, assessment of the following:

- (i) Participant files for both active and terminated individuals;
- (ii) Host agency agreements and memorandums of understanding;

and

(iii) Host agency assignments to include interviews of a participant's supervisor and the participant;

(2) Review of a subgrantee's Quarterly Progress Reports, Quarterly Data Quality Reports, and review of compilation of cumulative data;

(3) Annual review of the distribution of authorized positions by county to be reported to the subgrantees and other SCSEP national grantees operating SCSEP in Arkansas with over-served and under-served counties identified; and

(4)(A) Review of monthly requests for reimbursements from the subgrantee and compilation of a quarterly fiscal report.

(B) This is done by the Office of Finance and Administration of the Department of Human Services.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3611. Technical assistance.**

(a) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall provide ongoing technical assistance to subgrantees regarding federal and state regulations and rules pertaining to SCSEP and other applicable regulations, rules, and policies initiated by the United States Department of Labor pertaining to federally funded grants and agreements.

(b)(1) Special technical assistance, training, and/or guidance shall be provided to each subgrantee as needs are identified as a result of periodic monitoring or when requested by the subgrantee administration, i.e., financial reporting.

(2) A subgrantee's national office provides and/or arranges for training of their staff.

(c) The division shall provide technical assistance to other public and private agencies, private sector employers, and other organizations concerned with the employment of older workers as requested and time and resources permit.

(d) The division communicates grant policy, data collection, and performance developments and directives to staff and subgrantees and/or local project operators.

(e) The division ensures the subgrantee receives adequate resources to effectively operate local projects.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3612. Coordination with other programs.**

(a)(1) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services shall initiate and maintain cooperative relationships with agencies and organizations providing employment and training services and other services to the low-income elderly.

(2) The objectives of the cooperative relationship shall be to provide joint planning, eliminate redundant services, and provide a coordinated service delivery system to the elderly.

(3) Cooperative relationships that shall be developed include, but are not limited to, the agencies listed below:

- (A) Other SCSEP national grantees operating SCSEP in the state;
- (B) Area agencies on aging;
- (C) Division of Workforce Services;
- (D) Other programs or agencies available to the low-income seniors; and
- (E) Transportation organizations.

(b) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services has a written plan in place for disaster response and recovery so the SCSEP may continue to operate and provide services to participants and the community.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3613. Subgrantee responsibilities.**

The subgrantee shall, by maintaining adequate staff and dedication of resources, ensure fulfillment of the following responsibilities.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3614. Participants' recruitment and selection.**

(a) Vacant SCSEP slots must be listed with the State Workforce Agency and other appropriate local offices.

(b) The subgrantee will utilize their local workforce center's one-stop delivery system when recruiting and selecting eligible individuals.

(c) The subgrantee manages slot allotments within equitable distribution guidelines, to the extent feasible, so that potential participants have equal access for program participation.

(d) Selection of participants shall be according to the priorities established by the United States Department of Labor, the Older Americans Act of 1965, 42 U.S.C. § 3001 et seq., as amended, and the Jobs for Veterans Act, 38 U.S.C. § 4101 et seq.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3615. Enrollment.**

In order to document and verify the accuracy of information concerning an applicant's eligibility and to ensure compliance with related federal and state regulations and rules, the following procedure shall be followed by subgrantees:

(1)(A) Certification for enrollment shall at a minimum consist of documentation of:

- (i) Income;
- (ii) Age;
- (iii) Family size; and
- (iv) Residence.

(B) Documentation is also required if the SCSEP applicant is receiving enrollment preference as a veteran or spouse of a veteran or as a person with a disability;

(2) Participants are required to report any changes in family size and/or any increase in total family income as they occur; and

(3) Recertification of eligibility of each participant for continued enrollment in the SCSEP must be at least once a year.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3616. Health screenings.**

(a)(1) Each individual selected for enrollment shall be offered a no-cost limited health screening or shall sign a waiver within sixty (60) days from the time the participant is enrolled in the program.

(2) Participants may be required to take a health screening to ensure the safety of others or when a particular host agency assignment requires a physical examination.

(3) Participants are not required to supply a copy of the physical examination unless the assignment or subgrantee requires that a physical examination be taken.

(b) Additional limited health screenings or additional signed waivers shall be required annually during an individual's continued participation in SCSEP.

(c)(1) Individuals terminated and subsequently re-enrolled shall not be required to take an additional exam or sign an additional waiver providing the time since the last exam or signed waiver does not exceed the twelve-month requirement.

(2) Subsequent exams or waivers shall be scheduled within twelve (12) months of the last action.

(d) Physical exams are regarded as a program benefit and shall not be used as a basis to deny enrollment to the individual unless the program activity would present a danger to the individual's health and safety.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3617. Orientation.**

(a)(1) Subgrantees shall provide formal program orientation to the participants as soon as practicable.

(2) Program orientation shall include but not be limited to the following:

- (A) SCSEP goals and objectives;
- (B) Community service assignments;
- (C) Available training through the program;
- (D) Available supportive services;
- (E) Responsibilities of the participants;
- (F) Rights of the participants;
- (G) Allowable and prohibited political activities;
- (H) Goal of transition to unsubsidized employment;
- (I) Information regarding safe working conditions at the host agencies;
- (J) Availability of no-cost health screening;
- (K) Grievance procedures;
- (L) Participants' rights and responsibilities; and

(M) Host agencies.

(b)(1) Subgrantees shall provide orientation to the host agency prior to the participant's participation.

(2) Orientation shall include but not be limited to the following:

(A) Supervision of the participant required under SCSEP;

(B) Responsibility of the host agency to transition the participant into unsubsidized employment;

(C) Goals and objectives of SCSEP;

(D) Required training of the participant specific to the participant's community service assignments;

(E) Hours of community service assignment for the participant;

(F) Requirement that the host agency provides adequate orientation and instruction regarding participant responsibilities and safety;

(G) Responsibility of the host agency to provide an adequate assignment description for the participant;

(H) Grantee and local project roles, policies, and procedures;

(I) Evaluation of participant progress;

(J) Provision of a safe working environment;

(K) Documentation requirements;

(L) Termination policies; and

(M) Grievance procedures.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3618. Assessment and individual employment plan.**

(a)(1) After an individual is found eligible for participation in SCSEP, an initial assessment shall be conducted and at least one (1) other time during the first year and two (2) times during a twelve-month period thereafter.

(2) The assessment will include the participant's:

- (A) Work history;
- (B) Skills and interest;
- (C) Talents;
- (D) Physical capabilities;
- (E) Aptitudes;
- (F) Needs for supportive services;
- (G) Occupational preference;
- (H) Training needs;
- (I) Potential for performing community service assignments; and
- (J) Potential for transition to unsubsidized employment.

(b)(1) Based on the participant's assessment, an individual employment plan shall be completed and signed by both the participant and the subgrantee interviewer.

(2) The individual employment plan is completed after each assessment, at the time of enrollment, and at least one (1) other time during the first year and two (2) times during a twelve-month period thereafter.

(3) The individual employment plan shall include but not be limited to the following:

- (A) Initial and long-range employment goals;
- (B) Barriers to employment;
- (C) Needed supportive services;
- (D) Needed training; and
- (E) Steps and projected timeframes to achieve employment goals.

(c) If an assessment has already been performed and an individual employment plan developed under Title I of the Workforce Investment Act, 29 U.S.C. § 2801 et seq. [repealed], it will satisfy the requirement for the SCSEP assessment and individual employment plan.

(d) The subgrantee shall seek to place the individual participant in community service assignment in the community where they reside and that will best utilize the individual's skills and aptitudes and provide the best opportunity to obtain unsubsidized employment.

(e) The subgrantee may, as a result of the individual employment plan, determine that a change of community service employment assignment would better utilize the enrollee's skills and aptitudes and afford the individual more appropriate work experience and thereby increase the individual's potential for unsubsidized employment.

(f)(1) Assessments and individual employment plans with all updates shall be documented.

(2) Individual employment plans shall be signed by the participant and the subgrantee interviewer and maintained in the participant's permanent file.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

The Workforce Investment Act was repealed by Pub. L. No. 113-128.

**20 CAR § 430-3619. Training.**

(a)(1) Training may be provided to new participants prior to and as preparation for their community service assignment.

(2) The training may be delivered through lectures, seminars, or classroom training.

(3) Whenever possible, training should be delivered through the host agency at no cost or reduced cost to the program.

(b)(1) Job-related training has the primary purpose of providing or enhancing skills necessary for successful participation in community service assignment.

(2) Participants shall be paid either the federal or state minimum wage, whichever is higher, during training.

(c) To the extent feasible, the subgrantee shall arrange skills training for the participant which is realistic and consistent with the individual employment plan.

(d) The subgrantee shall develop appropriate training opportunities through other employment and training programs or other sources at no cost or reduced cost to the program whenever possible.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3620. Community service assignment.**

(a) Participants shall be assigned to useful part-time community service assignments as soon as possible after the orientation and any preassignment training in accordance with the individual employment plan.

(b) Though no longer a requirement, it is a best practice that hours spent training at the community service assignment by participants shall not exceed one thousand three hundred (1,300) hours per any twelve-month program year.

(c) Participants' community service employment shall be during normal work hours unless otherwise agreed upon by the participant.

(d) Participants shall be assigned to community service assignments in or near the communities where they reside.

(e) Participants shall be placed at community service assignments that contribute to the general welfare of the community, such as:

- (1) Social health;
- (2) Welfare;
- (3) Library;
- (4) Education;

- (5) Conservation;
- (6) Maintenance or restoration of natural resources;
- (7) Economic development; and
- (8) Any other services essential and necessary to the community.

(f)(1) A participant's community service assignment may be limited in duration at any one (1) host agency depending upon a participant's individual employment plan.

(2) Based upon a participant's assessment and individual employment plan, once a participant has completed all training and on-the-job work experience at one (1) host agency, they can be transferred to another host agency for further training and work experience.

(g) Participants placed in community service assignments funded under Title V are not considered federal or state employees.

**(h) Wages and fringe benefits.**

(1) The wages paid participants upon assignment to a host agency, which include orientation, any preassignment training, and time spent doing community service assignment, shall be either the federal or state minimum wage, whichever is higher.

(2)(A) Participant benefits shall be administered by the subgrantee uniformly to all enrollees including those in temporary positions.

(B) The subgrantee shall ensure that enrollees receive all benefits required by law:

- (i) Workers' compensation coverage as covered by state law;
- (ii) Unemployment insurance, where required;
- (iii) Physical exams;
- (iv) If a participant's host agency is closed due to a designated federal holiday on a day the participant would normally be on-site, the participant may take leave without pay or the participant's assignment schedule may be adjusted by the host agency supervisor so the participant will be able to perform duties and accrue the number of hours authorized for the pay period;

(v)(a) If a participant is off on necessary sick leave on a day the participant would normally be on-site, the participant may take leave without pay.

(b) Thirty (30) days of leave without pay is the maximum allowable time a participant may be absent during a year; and

(vi) No grant funds may be used to pay:

(a) Pension benefits;

(b) Annual leave; and

(c) Accumulated sick leave or bonuses.

(3) The subgrantee makes all required payments for payroll and workers' compensation premiums on a timely basis.

(4) The subgrantee ensures that host agencies do not pay workers' compensation for participants.

(i)(1) Supportive services shall be provided to participants to assist in successful participation in community service employment and to assist in the transition to unsubsidized employment, and for up to six (6) months in unsubsidized employment.

(2) To the extent feasible, the subgrantee should provide for supportive services from other sources or referrals.

(3) Supportive services provided to subgrantees may include but are not limited to the following:

(A) Items such as badges, uniforms, and back supports; and

(B) Counseling, both job-related and personal.

(4) Supportive service referrals may include but are not limited to the following:

(A) Dental services;

(B) Housing assistance;

(C) Food assistance;

(D) Transportation assistance;

(E) Clothing assistance;

(F) Assistive devices; and

(G) Health services.

(j) **Documentation.** The subgrantee maintains:

- (1) Documentation of waivers of physical examinations by the participant;
- (2) Documentation of the provision of complaint procedures to participants;
- (3) Documentation of eligibility determinations and re-determinations;
- (4) Documentation of terminations and the reasons for such terminations; and
- (5) Records of grievances and outcomes.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3621. Host agency selection.**

(a)(1) Subgrantees shall develop community service assignments with state or federal agencies that contribute to the general welfare of community and nonprofit organizations that are exempt from taxation under the provisions of Section 501(c)(3) of the Internal Revenue Code, 1954.

(2) Assignments cannot be made to host agencies that:

(A) Promote sectarian religious worship or instruction; or

(B) Involves the construction, operation, or maintenance of a facility to be used as a place of religious worship or instruction.

(3) SCSEP participants cannot be given assignments to perform duties that involve political activities on behalf of either a partisan or nonpartisan group.

(4)(A) Community service assignments cannot be made to a for-profit company.

(B) In some circumstances, participants will receive on-the-job training with for-profit agencies to prepare them for employment after the training is completed.

(b)(1) Each year, host agencies shall sign a host agency agreement with the subgrantee, which will become part of the permanent record.

(2) Host agency responsibilities shall include but not be limited to the following:

(A) To provide the participant with supervision at least equal to supervision provided employees in similar positions;

(B) To provide adequate orientation and instruction regarding the participant's community service assignment, duties, and safety;

(C) To provide an environment that is sanitary and safe and free from drugs and alcohol, and ensure that all laws governing workplace safety are followed;

(D)(i) To work with participant and subgrantee staff in developing a participant's training and/or assignment description based on a participant's individual employment plan.

(ii) Any changes or revisions to the participant's assignments or training shall require notification of the subgrantee;

(E) To provide training that is assignment-related and which will enhance the individual's potential for unsubsidized employment and/or allow the time off to attend training during work hours as approved and required by the subgrantee;

(F) To give first consideration to the participant for an unsubsidized position within the host agency when a vacancy occurs for which the participant has the qualifications and required experience;

(G) To establish and maintain a written schedule, ensure that the schedules comply with the number of hours authorized by the subgrantee, and provide cooperation and access to participant records to the subgrantee and Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services staff for the purposes of on-site monitoring of the host agency;

(H) To provide any tools, supplies, equipment, and safety training necessary to perform the participant's assignment;

(I) To make assignments in accordance with medical limitations, make any accommodations required by the Americans with Disabilities Act, and adhere to the confidentiality requirements of the act;

(J) To report any participant accidents to the subgrantee;

(K) To provide the subgrantee with accurate and timely time sheets of participant hours signed by the participant and host agency supervisor; and

(L) To ensure that participants are not subject to discrimination based on:

- (i) Age;
- (ii) Race;
- (iii) Color;
- (iv) Religion;
- (v) Sex;
- (vi) National origin;
- (vii) Disability;
- (viii) Veteran status;
- (ix) Political affiliation; or
- (x) Any other basis prohibited by law.

(c) Assignments provided at the host agency shall meet the maintenance of effort provisions required under federal regulations that applies to the use of SCSEP funds as follows:

(1) Employment of a participant funded under Title V of the Older Americans Act, 42 U.S.C. § 3056 et seq., is permissible only in addition to employment that would otherwise be funded by the recipient and host agency without assistance under the Older Americans Act;

(2) Assignment shall result in an increase in employment opportunities over and above those already available;

(3) Assignment shall not result in the displacement of a current participant including partial displacement such as the reduction of regular hours, wages, or employment benefits;

(4) Assignment shall not impair existing contracts for service or result in substitution of federal funds for other funds in connection with work that would otherwise be performed;

(5) Assignment shall not substitute SCSEP funded positions for existing federally assisted jobs; and

(6) Shall not assign or continue to assign any eligible individual to perform work that is the same or substantially the same as that performed by any other person who is on layoff.

(d)(1) No host agency may be a work site for a person in an administrative capacity, staff position, or community service assignment position under Title V, if a member of that person's immediate family works in an administrative capacity or as a board member for the host agency.

(2) Immediate family means:

- (A) Wife;
- (B) Husband;
- (C) Son;
- (D) Daughter;
- (E) Mother;
- (F) Father;
- (G) Brother;
- (H) Brother-in-law;
- (I) Sister;
- (J) Sister-in-law;
- (K) Son-in-law;
- (L) Daughter-in-law;
- (M) Mother-in-law;
- (N) Father-in-law;
- (O) Aunt;
- (P) Uncle;
- (Q) Niece;
- (R) Nephew;
- (S) Stepparent;
- (T) Stepchild;
- (U) Grandparent; and
- (V) Grandchild.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

The Americans with Disabilities Act is codified generally at 42 U.S.C. § 12101 et seq.

**20 CAR § 430-3622. Participation in SCSEP time limit.**

(a)(1) Effective July 1, 2007, an individual may remain in SCSEP for up to forty-eight (48) lifetime months.

(2) Current participants will be informed about the new durational limitation on enrollment in the program which began July 1, 2007.

(3) For new participants, it will be their enrollment date after June 30, 2007.

(4) Individual participant waivers may be granted based upon the Individual Durational Limit Policy.

(b)(1) Beginning July 1, 2007, Arkansas has an overall average participation cap of twenty-seven (27) months.

(2) In certain cases, a waiver may be requested that allows up to a thirty-six-month average participation rate.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3623. Unsubsidized employment.**

(a) The subgrantee shall provide assistance to each participant to obtain unsubsidized employment as soon as is practical in order to provide additional opportunities for other eligible individuals with the funds available.

(b) The subgrantee shall refer individuals who may be placed directly in unsubsidized employment to an employment provider or local one-stop for job placement under the Workforce Investment Act.

(c) The subgrantee shall encourage host agencies to hire participants when a position becomes vacant for which the SCSEP participant would qualify.

(d) The subgrantee shall encourage host agencies to assist participants in finding unsubsidized employment by referring those to job openings they know are available in the community, as well as providing those participants with references.

(e)(1) The subgrantee shall follow up on each participant placed in unsubsidized employment as close to the beginning of the first quarter after the quarter the participant exited.

(2) The second follow-up should be scheduled for the first day of the fourth quarter after the quarter the participant exited to verify retention and earnings.

(3) The third follow-up is conducted in the fourth quarter after the participant exited for all participants who had wages in the first quarter after the quarter of exit to verify retention in unsubsidized employment at one (1) year.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3624. Adverse action and appeals.**

(a) Any adverse actions against a participant shall be issued to the participant in writing stating the:

- (1) Reason or reasons for the determination;
- (2) Participant's right to appeal; and
- (3) Procedures to follow in the appeal process.

(b)(1) The subgrantee shall develop complaint procedures and an appeal process to resolve any issue arising between the host agency and a participant or applicant.

(2) A copy of these procedures is provided to applicants, participants, and employees.

(3) Procedures shall, at a minimum, provide the following:

(A) The opportunity for an informal conference and immediate resolution at the lowest level possible; and

(B) Formal procedures for filing a written complaint for review by the subgrantee.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3625. Cooperative relationships.**

(a) The subgrantee shall develop relationships with other employment and training programs providing services to the elderly and other agencies in the area in order to provide the most comprehensive employment and training services to eligible individuals.

(b) The subgrantee shall maintain cooperation with the Division of Workforce Services in their area for assistance in recruitment of eligible individuals, especially disadvantaged and minorities, and to assist in obtaining unsubsidized placements.

(c) Cooperation and coordination shall be initiated and maintained with local training programs to increase training and employment opportunities for eligible participants.

(d) The subgrantee shall develop and maintain relationships with the area agencies on aging as a source of supportive services for the older worker.

(e) The subgrantee shall develop cooperation with all local, state, and federal agencies as potential host agency sites to provide a variety of work assignments for participants and produce a variety of services to the community that would otherwise not be available.

(f) The subgrantee shall initiate close cooperation with private employers in the area to determine their needs and educate them about the benefits of hiring the elderly that would increase opportunities for the elderly, and be an employment source for participants ready to assume unsubsidized employment.

(g) The subgrantee shall maintain close cooperation and communication with other SCSEP sponsors in the area to ensure equitable distribution of available Title V slots in the subgrantee's service delivery area.

(h) Subgrantees shall:

(1) Have memorandums of understanding with local workforce investment boards in the regions that they serve;

(2) Work closely with the one-stops in their regions; and

(3) Ensure that participants sign up at their local one-stop.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3626. Nondiscrimination.**

(a) No subgrantee or staff person of the subgrantee shall discriminate, exclude from participation, or deny benefits to eligible individuals because of the individual's:

(1) Race;

(2) Color;

(3) Religion;

(4) Sex;

(5) National origin;

(6) Handicap;

(7) Political beliefs; or

(8) Age.

(b)(1) Age shall be a valid consideration for participation in the program.

(2) The minimum age limit is fifty-five (55) with no upper age limitations.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3627. Reporting requirements.**

(a)(1) The subgrantee shall provide the Department of Human Services with timely monthly invoices/reports.

(2) Refer to 20 CAR § 430-1401 et seq., Reporting.

(b) The subgrantee is obligated to enter all required data relating to participants served in the period covered by the subgrant.

(c) The subgrantee is obligated to enter complete data related to any participants they acquire upon becoming a subgrantee.

(d) The subgrantee is obligated to turn over complete hard copy files and complete data files in the specified electronic format to the grantee at the time the subgrantee ceases to administer the program.

(e) The subgrantee's participant files are to be maintained for three (3) program years after the program in which all follow-up activity for a participant has been completed.

(f) The subgrantee shall submit any other data or information concerning the SCSEP required by the United States Department of Labor, Employment and Training Administration or the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(g) Participants' records are securely stored and access is limited to appropriate staff to safeguard identifying information.

(h) Safeguards are in place to preclude tampering with electronic media established, e.g., personal identification numbers for recordkeeping.

(i) The subgrantee ensures that accurate data are submitted timely to SPARQ as required.

(j) The subgrantee ensures that the SCSEP National Program Office at the United States Department of Labor is immediately notified in the event of any potential security breach of personal identifying information, whether electronic/paper files and/or equipment is involved.

(k) The subgrantee complies with and ensures that authorized users under the grant comply with all SPARQ access and security rules.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3628. Political activities.**

SCSEP participants may participate freely in the political process with the following exceptions:

(1) No SCSEP participant or staff person may engage in partisan or nonpartisan political activities while he or she is on the job;

(2) No SCSEP participant or staff person, at any time, may represent himself or herself as a spokesperson of the SCSEP and engage in partisan or nonpartisan political activities;

(3) No SCSEP participant may be employed or out-stationed:

(A) In the office of the United States Congress;

(B) In the office of a state or local legislator; or

(C) On the staff of a legislative committee; and

(4) Some SCSEP participants who are employed by federal, state, and local governments on federally aided projects may have additional restrictions as a result of the Hatch Act, 5 U.S.C. § 7321 et seq.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"

**20 CAR § 430-3629. Customer satisfaction surveys.**

(a) Employer customer satisfaction surveys shall be delivered in accordance with the SCSEP Employer Survey Kit for subgrantees issued by the United States Department of Labor.

(b) **Host agency customer satisfaction surveys.** Upon direction from the Charter Oak Group and/or the United States Department of Labor, the subgrantee would notify host agencies that they would soon be receiving a customer satisfaction survey from the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(c) **Participant customer satisfaction surveys.**

(1) Upon direction from the Charter Oak Group and/or the United States Department of Labor, the subgrantee would notify SCSEP participants that they will be receiving a presurvey letter advising them that they should be receiving a customer satisfaction survey from the division.

(2)(A) After contacting the SCSEP participant and when directed by the United States Department of Labor or the Charter Oak Group, the subgrantee would mail SCSEP participants a presurvey letter.

(B) The following steps should be followed when mailing the presurvey letters:

- (i) The letter should be printed on subgrantee letterhead;
- (ii) The internal address and salutation using Mr./Ms. based on column for gender;
- (iii)(a) The letter should be signed in blue by the subgrantee director or by the person most likely to be recognized and respected by the recipient.

(b) The person signing the letter may cross out the formal salutation and write over it the participant's first name if they are on a first-name basis;

(iv) The mailing envelope should have subgrantee's name and address as return address and, if possible, director's name;

(v) Must have live postage stamp; and

(vi) Must be mailed within specified dates.

**Authority.** Arkansas Code § 25-10-129.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "6-1-97"