



# **AES Area Agencies on Aging COVID-19 Frequently Asked Questions**

**Revised July 17, 2020**

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Please be advised the information shared within this document may be updated later based on additional guidance received.

For your convenience, the following subcategories have been created to assist with navigation of this document. Please click the appropriate link to locate your question. New and updated questions are in **blue**.

[HHSC Updates](#)

[Federal and State Actions and Funding](#)

[In-Home Services](#)

[SPURS](#)

[Community Services](#)

[Nutrition Services](#)

## **HHSC Updates**

- 1. Updated: Are there any waivers for HHSC requirements? Is there a specific date these waivers are effective? Has the date of the waiver been extended? Are service authorizations waived for nutrition services purchased through Families First Coronavirus Response Act funds?**

Statewide waivers for Older Americans Act nutrition programs are effective March 13, 2020, and will continue through **Sept. 30, 2020**. HHSC will continue to monitor COVID-19, and if an extension of the waivers is needed, AAAs will be notified immediately.

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- Home-delivered meals may be delivered at any time of day that is convenient for the provider and the consumer.
  - Meal providers may deliver hot, chilled, frozen, shelf-stable or a combination without requesting HHSC approval.
  - Multiple meals may be delivered at one time.
  - Socialization contacts may be made via telephone, email or text messages to help address social isolation that may be experienced by homebound people.
  - An individual may opt out of socialization contacts, but the election to opt out of socialization contacts must be documented in the person's file.
  - The CNE for home-delivered meals is not required for people moved from the congregate meal program to the home-delivered meals program.
  - CNEs for home-delivered meals are not required for people who are new to the program during the waiver period. The CNE must be completed within one year from the original intake date for people who remain in the home-delivered meals program.
  - Nutrition Risk Assessments are not required for people who are new to the congregate and home-delivered meals programs. These must be completed within one year from the original intake date for people who remain in either program.
  - Meal providers may deliver meals at least once every two weeks, instead of at least weekly, to address the potential for the loss of volunteers and to reduce contact with people receiving meals.
  - Providers are encouraged to remain in contact with people who receive a delivery of meals once every two weeks to address the potential impact of social isolation.
  - Providers that must serve fewer than five meals a week must notify HHSC by contacting the Help Desk.
  - Volunteers are not required to complete one hour of training. Volunteers must be provided written information about confidentiality, handling meals safely and personal hygiene. Handling meals safely includes not leaving a meal unattended and delivering a hot meal within four hours from the time

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it leaves temperature control. Personal hygiene should include CDC guidance for COVID-19. A provider could have volunteers sign off and date on one acknowledgement roster indicating the volunteer has read and understands the policy.

**Updated:** Other statewide waivers for Older Americans Act programs are effective March 13, 2020, and will continue through **Sept. 30, 2020**.

- A signed client's rights and responsibilities form is not required to be on file in the AAA's records.
- AAAs may provide telephone reassurance directly without requesting approval from HHSC. AAAs may enter into agreements with providers to provide telephone reassurance on a cost reimbursement basis or on a unit rate basis.

The service authorization requirement for nutrition services under a contractor agreement *is not waived* for the purchase of services with Families First funds or any other funds.

Service authorizations are also *not waived* for nutrition services authorized under care coordination.

The Consumer Needs Evaluation *is not waived* for care coordination. Gift cards are authorized through care coordination, so the Consumer Needs Evaluation is not waived when the AAA is providing debit or gift cards.

## **2. What is the status of the Home-Delivered Meals 2020 Pilot Project?**

The Home-Delivered Meals 2020 Pilot will be delayed until further notice by AES. All requirements related to the Pilot are also delayed. This means:

- The use of the Determination of Type of Meals did not become effective on April 1, 2020;
- AAAs and meals providers do not need to continue to enter sub-services (hot, chilled, frozen, shelf-stable) for home-delivered meals in SPURS;
- Home-delivered meals interest list information does not need to be submitted to AES;
- Expansion plans of AAAs do not need to be submitted to AES; and

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- The Historically Underserved Area designation does not need to be selected for people served in zip codes or counties where home-delivered meals were not available on April 1, 2020.

**3. There is a decrease in participation at the congregate meals site and restrictions by our nursing homes, so our performance projections may be impacted. Can we expect HHSC to review and make provisions regarding performance measures?**

HHSC has an established method to provide explanations when actual performance of key measures varies  $\pm 5$  or more percent from targeted performance. Explanations must describe the circumstances that cause the AAA's actual performance to deviate from its performance targets. HHSC is aware of the impact of COVID-19 on programs and will anticipate variances in performance.

**4. Updated: Will HHSC waive the rate-setting negotiation process? Please consider waiving the rate setting as this requires appropriate planning.**

Yes, the rate-setting process will be waived and all rates will be extended for federal fiscal year 2021. An AAA may conduct rate-setting negotiations if it does not wish to extend current unit rates for congregate and home-delivered meals into 2021. HHSC is updating the rate-setting workbook for 2021 and will distribute it to the AAAs. The updated workbook must be used for rate-setting activities for 2021.

**5. Updated: What about signatures on client rights and responsibilities that are due?**

The client rights and responsibilities can be explained to a person verbally on the telephone and then mailed to the person. The AAA should document in the person's file that the form was reviewed with the person over the telephone and the form was also mailed to the person. The signed form is not required to be returned to the AAA. The requirement to have a signed form on file is waived through **Sept. 30, 2020**.

**6. Subrecipients who are receiving Title III-B funding for Transportation and are now using the vehicles to deliver meals to the senior who usually use Transportation services and can't pick up their meals. How can they be reimbursed for these trips?**

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The payment for a meal is intended to cover the cost of that service, including the transportation and delivery of the meal. A payment for the Transportation service can only be made for each one-way trip provided to an eligible person. The provider may want to consider having volunteers deliver the meals, and to consider the option to deliver multiple meals at one time.

- 7. Updated: Can AAAs request extensions for their Area Plan? Our local board meetings where the Area Plan is approved are being canceled. Considering the drastic changes this virus has caused, is it possible to extend our current Area Plans one more year so we can incorporate approaches to this virus in Area Plans next year? The AAA is having trouble locating our advisory council members for required Area Plan signatures. Please advise if the deadline for the Area Plan is going to be extended.**

Unfortunately, Health and Human Services Commission (HHSC) cannot extend the current Area Plans an additional year. A majority of the AAAs have already submitted their Area Plans. HHSC did accommodate extension requests by providing an extension to July 15, 2020.

In accordance with Section 6.0, Scope of Services, of the contract between an AAA and the HHSC, it is critical for AAAs to adhere to this prescribed date to ensure that an approved Area Plan is on file with HHSC as detailed in the contract.

- 8. If our county issues a declaration that everyone "self-quarantine" and meals can't be provided what is the state's guidance on this matter. In the event a provider has an employee who becomes ill and must close, does AES have any guidance? We understand the providers are required to have a backup plan, but we are asking if AES has had any consideration for this scenario. Our city and county have issued a work at home order. When we work remotely, what is the expectation of HHSC?**

AAAs and meal providers must adhere to local, state and national guidance related to COVID-19.

If local government issues a shelter in place or similar order and your position is deemed non-essential, please follow the order and your organization's procedures. If your AAA staff is working from home, please notify HHSC

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through the Help Desk and include alternate/secondary contact information as applicable.

More information about COVID-19 can be found from the Administration for Community Living at <https://acl.gov/COVID-19> or from the Centers for Disease Control at <https://www.cdc.gov>.

**9. Is there any concern that HHSC staff will not be available to reimburse in the same timely manner as normal?**

No. Payments to providers is a priority in the HHSC COOP plan for the Office of Area Agencies on Aging. AES is ensuring there is adequate staff coverage available to continue processing reimbursements to AAAs in a timely manner.

**10. Can we submit a budget amendment now to transfer Title III-C1 to Title III-C2 funds? Will the categorical transfer be based on the planning budget figures or the NFAs received?**

An amendment to the AP Budget is not required since budgets were developed using projected funding levels. The AAA may complete the requested transfer of all funds in the Request for Reimbursement and the Request for Adjustment Journal template.

HHSC provided training to AAAs on April 23, 2020, on using the Request for Reimbursement and the Request for Adjustment Journal based on the flexibility in the expenditure of funds allowed by the major disaster declaration for Texas. HHSC will advise AAAs when a working budget is needed.

**11. Do we follow the COG's procurement procedures for contracting new services to help people during COVID-19?**

Yes, AAAs should follow their organization's contracting procedures for procurement of services during an emergency.

**12. Updated: Are we to plan for this situation for two months or the rest of the fiscal year?**

The estimated end date of COVID-19 is uncertain. AAAs should continue to follow disaster procedures and contingency plans while closely monitoring federal, state and local updates on COVID-19. At this time, the waivers for certain requirements related to programs are in effect through **Sept. 30, 2020**. See question 1 of this section for a list of waivers.

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**13. Can we get an extension on the HICAP application?**

The HICAP (SHIP) planning documents are due to AES on March 31, 2020. Since the notices of funds available for SHIP are going to be released soon, an extension on the planning documents is not possible. The Final Report template has also been distributed to AAAs and is due April 30, 2020. These were provided early to allow the AAAs more time for reporting on their activities over the last three-year grant cycle.

**14. Will the housing bond funding requirement to complete by August be taken into consideration?**

Housing bond funds are available to AAAs only through August 31, 2020, since these funds are state general revenue.

**15. Can staff assist with the delivery of home-delivered meals? If yes, can we justify their salary being paid out of their current cost centers, even if it is not their "normal" job task?**

Yes. AAA can assist with the delivery of home-delivered meals periodically and charge the time to the current costs centers.

**16. Updated: Our AAA will probably not be able to spend all its current year Title III-D funds awarded for 2020. Will there be a loss of funds for the AAAs if the AAA cannot spend all its Title III-D funds? Are all services provided during the pandemic considered disaster services? If so, can we use disaster flex funds for those services and Families First and CARES Act funds for services provided because of the disaster?**

During the federal COVID-19 public health emergency declared under the Public Health Service Act, all services are disaster services. The AAA may want to expend its Title III-D funds in other supportive or nutrition services.

The major disaster declaration for Texas allows maximum flexibility in the expenditure of Older Americans Act funds for disaster services. AAAs will be permitted to expend funds for disaster services without regard to the Older Americans Act title under which funds are appropriated and no additional waiver, transfer or application to ACL is required.

Families First funds may be expended only for purchasing congregate or home-delivered meals.

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**17. Can we have guidance about what AAAs can do to interact with the public?**

Some examples of services AAAs can provide to the public without in-person interaction are: information, referral and assistance; case management; benefits counseling; virtual evidence-based interventions (if supported by the program developer as a program that can maintain fidelity if provided by virtual means); and telephone reassurance.

**18. What is the definition of a disaster service? Are any of our current services now considered disaster services at this time?**

A disaster service is any allowable Older Americans Act service provided to an eligible person during the federal COVID-19 public health emergency declared under the Public Health Service Act. All services that indicate “disaster relief” as an allowable funding source in the fiscal year 2020 service definitions can be supported with disaster funds. In addition, data management, instruction and training, physical fitness and recreation can be supported with disaster funds.

Disaster funds currently include Families First, CARES Act and Title III flexible funds. When a service is purchased using a category of funds not authorized by the Older Americans Act for that service in nonemergency conditions, those funds are called “Title III flexible funds.”

**19. Updated: What is HHSC looking for in the form of verification of eligibility? Given the emergency, it is difficult to secure intake information.**

AAAs are still required to determine and document eligibility for Older Americans Act services through the intake process. The AAA and providers are responsible for ensuring Older Americans Act services are provided only to eligible people. For home-delivered meals, the Consumer Needs Evaluation must be completed by the one-year anniversary of the date of the intake if that person remains in the program.

The delay or waiver to complete certain forms (see question 1 of this section) does not change the requirement to determine eligibility for Older Americans Act programs.

**20. To keep our nutrition providers current with information, may we share the PowerPoint with them?**



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Yes. During this emergency period, AAAs are encouraged to share information with providers.

**21. When will fiscal year 2019 carryover be approved?**

Carryover funds were distributed to AAAs on May 1, 2020.

**22. May the new disaster funds be used for the purchase of new equipment and vehicles due to the added home-delivered meals? This is about a subrecipient provider who will have many new routes to cover.**

The Families First funds can be used to provide only congregate and home-delivered meals and cannot be used to purchase equipment and vehicles. The AAA may request purchases of equipment and vehicles that will be used to expand home-delivered meals using CARES Act funds.

**23. Should we advise our staff to document, in the case file, how a person's situation was connected to COVID-19 to charge to Families First and CARES Act funds? If we cannot prove a connection to COVID-19, then must we use Older Americans Act funds?**

All services provided by AAAs using Families First, CARES Act or Older Americans Act funds are considered "disaster services" during the period of the federal COVID-19 public health emergency declared under the Public Health Service Act. To the extent possible, AAAs should document how COVID-19 impacted the AAA's decisions to offer specific services throughout their region. AAAs are strongly encouraged to document COVID-19 needs in a person's file or document other support contacts with people served.

**24. Please explain the statement that a "person must still be eligible for the program."**

A person receiving a service from the AAA or its providers must still meet the eligibility criteria for Older Americans Act programs. For example, a non-caregiver must be 60 years of age or older to be provided income support or health maintenance.

**25. Updated: Are the CNE and NRA waived for the Families First and CARES Act funds?**

HHSC has waived the Consumer Needs Evaluation and Nutrition Risk Assessment for nutrition services through **Sept. 30, 2020**, regardless of the

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funds used as described in the response to question 1 in this section. These documents must be completed within one year after intake if the person remains in the nutrition program. The Consumer Needs Evaluation is not required for people who were receiving congregate meals and were transferred to home-delivered meals when COVID-19 began.

- 26. Updated: For the people who were receiving a congregate meal that are now receiving a Title III-C2 meal, are we to code the program income to the home-delivered meals program? If program income is to be reported according to its original funding source, say Title III-C1, are we to assume that the program income units are also reported in congregate meals, even though people previously receiving congregate meals are not receiving home-delivered meals? Would this apply to in-kind as well?**

Program income should be reported on the Quarterly Performance Report as collected and expended under the service under which it was generated. In-kind should also be reported under the service it supports. HHSC will extrapolate data from the Quarterly Performance Report to credit the program income to the original award for federal reimbursement requests.

- 27. As benefits counselors, we are currently addressing questions regarding Medicare coverage, fraud, scams and preventive measures. What fund identifier do we use in SPURS?**

When a benefits counselor helps a person related to Medicare coverage (benefits), the assistance should be recorded as HICAP Assistance in SPURS using the HICAP fund identifier. The assistance provided to a person related to Medicare fraud, waste, abuse or scams would be recorded as Legal Assistance in SPURS using the Title IIIB fund identifier.

- 28. Do benefits counselors need to indicate if a service relates to the COVID-19 health emergency?**

Yes. HICAP Assistance reported in SPURS should include "COVID" in special field number 3 if the assistance is related to COVID-19.

- 29. Our AAA moved administration funds to services in our planning budget. Since Families First funds did not include an administration allocation, can those service funds be moved back to administration?**

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Yes. The federal fiscal year 2020 planning budget was developed based on projected funding. The federal fiscal year 2020 working budget release will include actual funds awarded including Title III, Families First and CARES Act funds.

This working budget will allow the AAA to develop a budget for all applicable services based on all funding sources and will allow the AAA to move funds back to administration. The timeline for working budgets has not yet been established by HHSC.

**30. Our AAA reaches most of its Older Americans Act match by authorizing residential repair. Since we do not want to send our staff to a home to take photos, residential repair has come to a stop. Because of this, our AAA is concerned our Older Americans Act match will not be met this year. Will AES ask ACL for a waiver for Older Americans Act match requirements for fiscal year 2020?**

The requirement to take a photograph of completed repairs is not needed if the person whose home received the repairs signs a statement that the repairs are complete, and the person is satisfied with the repair. This is required prior to payment to a provider.

The AAA must provide match in accordance with its contract with HHSC and in compliance with the Older Americans Act. Match generated during the major declaration period may be pooled. In your AAA's case, overmatch from Title III-C2 meals could be used to cover other services match requirements. Families First and CARES Act funding, which require no match, could be expended prior to federal fiscal year 2020 funds so this should alleviate some of the AAA match requirements.

**31. Updated: Should we be using COVID-19 disaster funds for staff time? Will salaries for data management be allowed for disaster funds?**

Yes. Staff time may be charged for services provided directly by the AAA during the major disaster declaration period. Staff time for administration may not be charged to Families First funds, and staff time charged for administration for CARES Act and Older Americans Act funds cannot exceed the amount of funds allocated by HHSC for that purpose.

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Data management salaries can be charged to Older Americans Act, disaster flex and CARES Act funds. Families First funds can be spent only for congregate and home-delivered meals.

**32. Is it possible that Title III-E funds would not be used for caregivers?**

Yes. Based on the approved major disaster declaration for Texas, AAAs will be permitted to expend funds for disaster services without regard to the Older Americans Act title under which funds are appropriated. The funds that are flexible include titles III-B, C1, C2, D and E.

**33. Since we can pay for expenditures going back to the start of the disaster activity, can we authorize “direct purchase of service” clients retroactively?**

No. The AAA may cover appropriately incurred expenses with Families First and CARES Act funds retroactively. This includes services that were authorized prior to the start of the service being delivered. AAAs may not authorize services for an eligible person retroactively.

**34. Updated: Many AAA staff are working remotely from home without the conveniences of office equipment for their day-to-day needs (i.e., copiers, scanners). Can the AAA purchase items without state approval? If not, how quickly can the state office turn around approval for the AAAs? Can the start date for capital equipment/controlled assets requests go back to computers we purchased in March when we had to quickly transition under local shelter-in-place orders?**

HHSC must approve the capital equipment/controlled assets request prior to the purchase of items listed on the capital equipment request. The AAA must submit a capital equipment/controlled assets request log to purchase capital equipment. HHSC will expedite any equipment requests related to COVID-19 to ensure a timely response is given to the AAAs.

AAAs can date their capital equipment/controlled assets requests to January 20, 2020, for COVID-19 if the AAAs were experiencing the effects of the health crisis. HHSC requires the AAAs to obtain prior written approval before purchasing capital equipment or controlled assets.

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**35. Should AAAs include COVID-19 home-delivered meals on the SGR home-delivered meals report template?**

The AAAs do not need to add the Families First or CARES Act home-delivered meals funding revenue to the SGR home-delivered meals report template. The SGR home-delivered meals report template is a tool to assist the AAAs in reconciling the “SGR HDM Rate Increase” funds allocated to cover the common providers negotiated \$4.95 rate increase of \$.36 per meal. Meals purchased with the Families First and CARES funds are reimbursed at the full rate of \$5.31.

**36. Will AAAs face penalties if we do not spend all the federal disaster funding?**

No, the AAAs will not face penalties if the federal disaster funds are not fully expended. The AAAs will also not face penalties if all federal fiscal year 2020 funds are not expended, regardless of the date the funds were awarded to the AAAs.

**37. New: May AAAs complete rate negotiations for a new home-delivered meals provider, or are we only allowed to contract with a provider at the rate of \$5.31?**

The \$5.31 flat rate is applicable to all “common” home-delivered meals providers. If a new “common” provider is identified, the AAA must use the flat rate of \$5.31. If a new non-common provider is identified, the AAA may use the flat rate of \$5.31 to expedite the contract process or negotiate a rate using the 2020 rate-setting workbooks.

**38. New: A nutrition provider received program income for congregate meals during March 2020. In March, there were two weeks of congregate meals followed by two weeks of “grab-and-go” meals. How is the program income to be allocated?**

The program income collected would be applied to the applicable service based on the period the revenue was received. In this example, program income was received for congregate and home-delivered meals and should be reported and used to expand the program under which the meals were served.

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**39. New: Since program income is reported by service, how will AAAs tie the program income back to the funding source?**

AES has determined that no action is needed by AAAs beyond the regular Quarterly Performance Reports submissions. AAAs should continue to report program income collected and expended under the service under which it is generated. AES will report program income expended by funding source using the information provided on the Quarterly Performance Report.

**40. New: Does HHSC recommend that all services be reported under disaster flex funding during this period?**

No. A disaster service is any allowable Older Americans Act service provided to an eligible person during the COVID-19 public health emergency.

It is not necessary for the AAA to use “disaster flex” funds for every service since the AAA can also provide disaster services with regular Older Americans Act and CARES Act funding. If funds are insufficient to meet needs, the AAA can use disaster flex funds if the major disaster declaration for Texas is in effect.

All services that indicate “disaster relief” as an allowable funding source in the fiscal year 2020 service definitions can be supported with disaster flex funds.

**41. New: The training webinar included a scenario for case management. Why would case management be funded by disaster flex Title III-C1, as shown in the example?**

The use of disaster flex C1 funds was included as an example in the COVID-19 webinar, presented on April 16, 2020, to demonstrate the flexibility of funds allowed during the major disaster declaration for Texas.

**42. New: Are all the webinars being placed on the FTP site for future reference?**

No. As a follow-up to the HHSC AES AAA COVID-19 weekly webinar and conference calls, a notification is distributed through the AAA Help Desk with a link to the previous webinar presentation. These are not saved to the FTP site.

**43. New: Do all submitted Area Plans need to be updated with information about the pandemic at some point?**

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HHSC is exploring how to include pandemic-related information in the Area Plans. At this time, no decision has been made. Any further direction regarding the Area Plan will be disseminated through the help desk.

**44. New: Can we have a special Quarterly Performance Report training?**

The Office of AAA will soon reach out to the AAAs to determine what additional training activities are needed.

As that process occurs, it will be helpful to know what areas of the Quarterly Performance Report need to be covered in the training. AAAs are encouraged to submit training recommendations to the AAA Help Desk.

**45. New: Will supplanting be addressed? If an AAA currently has Older Americans Act Title III-C funds available to purchase meals, will the use of Families First or CARES Act funds be considered supplanting if those funds are used first?**

No, using the Families First or CARES Act funds first does not count as supplanting. Families First and CARES Act funds are supplemental funds under the Older Americans Act. Generally, supplanting occurs when federal funds are used to replace local or state funds. Supplementing refers to “building upon” a program, and supplanting refers to “taking the place of” a resource for a program.

**46. New: Can the AAA purchase laptops for our senior nutrition centers that are in need?**

HHSC requires more information for this request. The procedures for requests for controlled assets and capital equipment have not changed due to COVID-19. The AAA should submit this request using the normal procedures and provide sufficient information to indicate the need and how the computers will be used by the senior nutrition centers.

**47. New: How do we handle the subject line to submit capital equipment/controlled assets requests for both “regular” and “COVID” purchases? Do we have to redo requests that have been submitted to HHSC and are pending? How do we reasonably determine how to**

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**separate administrative costs by funding stream on the request log when administrative activity is, by definition, not service specific?**

The AAA will place both regular and COVID-19-related purchases on the capital equipment/controlled assets request, but only COVID-19 requests will be included in the subject line of the email.

The AAA must also identify if the item is for a COVID-19-related purchase in the “justification column” in the capital equipment/controlled assets request log. The AAA does not need to resubmit requests that have been submitted to HHSC and are pending approval.

HHSC will not require the AAAs to separate the Area on Agency Administration by funding stream on the capital equipment/controlled assets request log.

**48. New: Please discuss the threshold for obtaining prior approval for controlled assets. Does the \$500 threshold for capital equipment/controlled assets apply to Families First and CARES Act funding?**

Controlled assets over \$500 require HHSC’s written approval prior to purchasing. HHSC is in the process of reviewing and updating all program instructions, including PI AAA-200, Capital Equipment and Controlled Assets.

The \$500 threshold for capital equipment/controlled assets applies to Families First and CARES Act funds. These funds are additional Older Americans Act funding.

**49. New: Will the AAA contract be amended for housing bond, Families First, and CARES Act funding? When can the AAA expect the amended contract?**

Yes, the contract will be amended to include housing bond, Families First and CARES Act funds. HHSC will notify all AAAs when the contract amendments are completed.

**50. New: For special initiatives, what kind of documentation will be needed to show costs? Will this need to be a unit rate or just a request from our provider stating the total cost?**



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The AAA should follow its usual procedures for documenting costs for services or goods that are not purchased on a unit rate basis. Special initiatives are on a cost reimbursement basis.

AAAs should be able to submit documentation to HHSC, if requested, to support reimbursement request for any expenditures.

**51. New: Can we provide help for meal providers who are contracted and not subrecipients?**

The AAA should submit a special initiative template to HHSC to determine if the activities being considered are appropriate.

**52. New: Will we get written instructions for special initiatives or at least a copy of these slides?**

The special initiatives instructions and request template were distributed to the AAAs through the help desk on May 27, 2020.

**53. New: How will the AAA document all funding sources in the Quarterly Performance Report? Will the template be updated to capture the new disaster funding allocations?**

A revised Quarterly Performance Report template file was published to the secure FTP site, so AAAs can add new disaster funding sources and the new special initiative service in the document. All agencies must download version 1.1 of the "QprMenu" file before beginning any data entry for the new disaster funding sources.

A separate instruction document titled "FY20 QPR Disaster Update" was distributed to AAAs on May 28, 2020, providing step-by-step instructions and screenshots to assist AAAs in completing updates in the QPR template file for new disaster funding sources and the special initiative service.

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## Federal and State Actions and Funding

- 1. Will disaster funding be made available for meals or other services? When should we expect the disaster funding and what, if any, are the limitations to using the Families First Coronavirus Response Act funds?**

### Federal Actions

The Families First Coronavirus Response Act, signed into law by the President on March 18, 2020, provided more funding for Older Americans Act nutrition services. The Act waived the requirement for the 10 percent local match. These funds were distributed to AAAs on March 27, 2020, along with updated request for reimbursement and request for adjustment journal templates. These funds are available for both congregate and home-delivered meals. The major disaster declaration for Texas allows congregate or home-delivered meals related to COVID-19 to be purchased from either category of funds.

On March 25, 2020, the President approved a major disaster declaration for Texas which allows maximum flexibility in the expenditure of Older Americans Act funds for disaster services. AAAs can expend funds for disaster services without regard to the Older Americans Act title under which funds are appropriated. This applies to additional Older Americans Act funding provided through the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). People must still be eligible for Older Americans Act services and programs must still meet Older Americans Act requirements except as shown below.

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), signed into law by the President on March 27, 2020, provided more funding for nutrition, supportive and caregiver programs under the Older Americans Act. The Act waived the 10 percent local match for nutrition and supportive services and the 25 percent local match for caregiver services. The Act also allows the Assistant Secretary of the Administration for Community Living (ACL) to waive the dietary requirements for nutrition services and provides that an individual who is sheltering in place during the federal COVID-19 public health emergency declared under the Public Health Service Act is considered homebound.

Meals purchased with funds appropriated by the Family First and CARES Acts do not have to meet the dietary requirements of the Older Americans Act and are not eligible for NSIP cash.

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People served must be eligible for services under the Title III program under which a service is provided regardless of the category of funds used to provide that service.

**2. ACL said on a conference call that Title III-C1 funds could be used if the state declares a major disaster. Has a major disaster declaration for Texas been approved?**

Yes. On March 25, 2020, the president approved a major disaster declaration for Texas, which will allow maximum flexibility in the expenditure of Older Americans Act funds for disaster services. AAAs will be permitted to expend funds for disaster services without regard to the Older Americans Act title under which funds are appropriated, and no additional waiver, transfer or application to ACL is required. Additional guidance to AAAs about reimbursement and reporting of services was provided to AAAs on April 23, 2020, and HHSC will continue to provide AAAs with information related to reimbursement and reporting.

Please keep in mind a service must be reported correctly. A meal that is not consumed at a congregate site must still be reported as a C2 meal, no matter what funds are used to pay for that meal.

Services must still meet the requirements of the Older Americans Act with one exception. During the federal COVID-19 public health emergency declared under the Public Health Service Act, meals do not have to meet the Older Americans Act nutrition requirements, but the meals must provide a minimum of 534 calories per meal, and providers are encouraged to meet the nutrition requirements to the greatest extent possible to support the health of people being served.

People served must be eligible for services under the Title III program under which a service is provided regardless of the category of funds used to provide that service.

The Family First Coronavirus Response Act provided additional Older Americans Act funding for Title III-C1 and Title III-C2 nutrition services. These funds can be used for either congregate or home-delivered meals. AES distributed the NFAs to AAAs on Friday, March 27, 2020, along with revised request for reimbursement and request for adjustment journal templates.

**3. If a AAA has already budgeted the maximum of its funds and transferred congregate meals funds to home-delivered meals prior to**

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**the emergency, what are our options? We listened in on the town hall meeting yesterday regarding flexibility of meals, and it was stated that “grab-and-go” home-delivered meals can be charged to Title III-C1. ACL was on the call and they discussed flexibility and business being “not as usual.”**

The approved major disaster declaration for Texas allows maximum flexibility in the expenditure of Older Americans Act funds for disaster services. AAAs will be permitted to expend funds for disaster services without regard to the Older Americans Act title under which funds are appropriated. Additional guidance to AAAs about reimbursement and reporting was provided on April 23, 2020, and HHSC will continue to provide information to AAAs about reimbursement and reporting. The AAA will have the flexibility to use titles III-B, III-C1, III-C2, III-D and III-E funds for emergency services.

People and their caregivers who receive emergency services must be eligible for assistance under the Older Americans Act. Emergency services can include activities such as providing:

- Drive-through, take-out or home-delivered meals.
- Well-being checks via telephone or virtual means.
- Homemaker, chore or grocery/pharmacy/supply delivery.
- Income support to pay rent, utilities or groceries.

Even though services can be purchased with a variety of funds, the service should still be reported in the correct category per the service definitions.

**4. Can AAAs use Title III-D funds to assist providers in conducting wellness checks for people receiving home-delivered meals?**

Yes. The service must still be recorded as telephone reassurance or another appropriate service. Based on the approved major disaster declaration for Texas, AAAs will be permitted to expend funds for disaster services without regard to the Older Americans Act title under which funds are appropriated. Additional guidance for AAAs was provided on April 23, 2020, on reporting and requesting reimbursement for disaster services.

**5. Updated: Can we go back to Oct.-March and purchase a provider’s local cash meals with current Title III-C1 and C2 funds since match is not required due to the COVID-19 public health emergency? Or is the match waived only from Feb.-April 30, 2020? Can AAAs use Title III-C**

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**overmatch to satisfy the administration match requirement while the disaster is in effect?**

Match requirements are not waived for current Title III funding. Match requirements are waived only for Families First and CARES Act funding. Older Americans Act and CARES Act funds expended under administration require a 25 percent match.

The AAA may purchase local cash meals from nutrition providers for previous months if sufficient match will be available for all the AAA's Title III programs. Many AAAs use nutrition "overmatch" to cover match requirements for programs funded through Title III-B, such as Case Management or Information, Referral and Assistance, and each AAA must evaluate its budget and the impact purchasing more meals will have on its required match.

AAAs may use services overmatch to satisfy the administration match requirement while the major disaster declaration for Texas is in effect. When the major disaster declaration for Texas ends, the AAA must use resources dedicated to administration for match.

**6. Are we able to utilize the disaster-related funds for aging administration, and is there a cap on how much can be transferred among Older Americans Act titles?**

Families First funds did not include an allocation for administration. The major disaster declaration for Texas allows maximum flexibility in the expenditure of Older Americans Act funds for disaster services. AAAs will be permitted to expend funds for disaster services without regard to the Older Americans Act title under which funds are appropriated, and no additional waiver, *transfer* or application to ACL is required. This includes Title III-D funds.

There is no cap on the amount of funds that can be used for disaster services ("transferred" among titles of funds).

To use terms that are familiar to the aging network, funds from titles III-B, C1, C2, D and E can be "transferred" in amounts that are needed to provide disaster services to eligible people in a AAA region without prior approval from HHSC during the major disaster declaration for Texas.

**7. Updated: Does this extra funding have to be spent this fiscal year? Do the Families First and CARES Act awards end Sept. 30, 2020?**

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No, all the extra funding does not have to be spent this year. The Families First and CARES Act project period ends Sept. 30, 2021. The funds remaining as of Sept. 30, 2020, will be carried over to federal fiscal year 2021.

**8. Will the new CARES Act funding include additional Administrative funds?**

Yes. Funds available for Administration may not exceed the amount by category allocated to the AAA for that purpose. A 25 percent match requirement applies to all funds awarded to an AAA that are expended for Administration including the CARES Act funds. The AAA may elect to transfer its CARES Act funds from Administration to expend for services. No match is required for funds expended for services.

**9. Can the Families First Title III-C1 funds we just received be moved to Families First Title III-C2? Is this funding only for people who are new to the program?**

The Families First funds may be used for either congregate or home-delivered meals and based on the major disaster declaration for Texas, all the funds may be used for either service, as needed for your region, if the service is provided in response to the federal COVID-19 public health emergency declared under the Public Health Service Act. The AAA may elect, for example, to use all the funds for meals that must be reported as home-delivered meals.

Meals can be used to serve any eligible person, whether that person is new to the program or not.

**10. Updated: The CARES Act allows 100 percent of the transfer — does this apply to the fiscal year 2020 funds? Can CARES Act Title III-C funds be used to purchase groceries (“moved” to Title III-B) that go under income support and homemaker services?**

The CARES Act allows for the flexibility to transfer 100 percent of funds between the congregate and home-delivered meals programs (C1 and C2).

The major disaster declaration for Texas triggers the flexibility in the use of Older Americans Act funds beyond what is permitted by the CARES Act. It allows the AAA to use its titles III-B, C1, C2, D and E funds for disaster relief services (services needed during the federal COVID-19 public health emergency declared under the Public Health Services Act).

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During the period of the major disaster declaration for Texas, CARES Act funds may be used to purchase services that would fall under the Older Americans Act Title III-B. CARES Act funds may be used to purchase groceries through income support and homemaker services for eligible people.

Please note, Families First funds may only be used for congregate and home-delivered meals.

**11. Updated: Is it allowable to fund all meals provided in this COVID emergency solely with Families First and CARES Act funds or must meals for people previously authorized as titles III-C1 and III-C2 be funded with traditional Title III funds? Does the comment “spend disaster funds first” override the previous comment that we need to pay for traditional home-delivered meals using current Title III-C2 or carryover Title III-C2 funds?**

All meals can be funded solely with Families First and CARES Act funds. Because of the approved major disaster declaration for Texas, all Older Americans Act titles III-B, C1, C2, D and E funds are available for disaster relief services, including disaster services for people previously authorized for nutrition services.

During the major disaster declaration for Texas, all services provided by AAAs are disaster services. This includes services for people receiving home-delivered meals when the disaster declaration began.

**12. Can the Families First or CARES Act funding be used for the benefits counseling program? Or are these funds geared toward home-delivered meals?**

The Families First funding is available for only congregate and home-delivered meals.

Under the major disaster declaration for Texas, the CARES Act funding is available for any service that is allowed under the Older Americans Act and provided to an eligible person.

**13. When will the “disaster” period end, and can we still spend disaster funds after that period?**

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It is difficult to identify or define the end of COVID-19 in a way that applies to every region in Texas. ACL guidance recognizes that a transitional period will follow the acute disaster period, and HHSC is aware that the end of the disaster may differ for each AAA. HHSC will continue to work with AAAs to determine if the expenditure of disaster funds is still appropriate. Once the major disaster declaration for Texas ends, the flexibility to use any Older Americans Act funds for a disaster service also ends.

**14. Will AAAs be able to use CARES Act funding to help pay medical bills?**

Yes, if the medical service provided to the eligible person occurs during COVID-19.

**15. What was the start date of the Families First Act?**

The Families First Coronavirus Response Act was signed by the president on March 18, 2020. Please see question 1 of the Federal and State Actions and Funding FAQ for more information about the Families First and CARES acts.

**16. To your knowledge, does the CARES Act waive any maintenance of effort requirements of Older Americans Act services?**

The CARES Act does not waive the Older Americans Act minimum funding requirement for the Long-Term Care Ombudsman Program.

The reauthorization of the Older Americans Act requires the minimum funding requirement for the Long-Term Care Ombudsman services be at least the same as federal fiscal year 2019 expenditures. The 2019 expenditures for the ombudsman program establishes the base against future years, so federal fiscal year 2020 expenditures will be compared to 2019 to determine if the minimum funding requirement was met.

Minimum funding can be met by any source of funds, including CARES Act funding. The minimum funding does not have to be met using only Title III-B funds.

**17. If we move funds from one funding stream to another, will we do so through a typical categorical transfer process in budget documents? Are any prior approvals required?**



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The transfers will be identified in the Request for Payment and Request for Adjustment Journal templates, then the AAAs will identify those transfers on the working and closeout budgets. No prior approval is needed to spend funds as needed for disaster services if the major disaster declaration for Texas is in effect.

**18. Can we get an estimate of how much CARES funding we will receive before late April?**

The awards to AAAs will be based on the funding formula approved by ACL for HHSC. Estimates will not be provided by HHSC.

**19. Will the same funding formula be used for CARES funding that was used for Families First?**

Yes, the same funding formula will be used for the CARES Act funding that was used for the Families First funding. The use of the funding formula is a requirement of the Older Americans Act.

**20. Can we do categorical transfers with Families First or CARES Act funding, or can we use any funding regardless of source for any purpose if it has a service definition?**

“Categorical transfers” and prior approval are not required to use Families First and CARES Act funding for a disaster service. The AAA will use the Request for Reimbursement, Request for Adjustment Journal, fiscal year 2020 working budget and closeout budgets to identify how funds are being used for disaster services. The “transfers” will be identified through those mechanisms.

**21. Does the transfer of funds apply to carryover funds?**

Yes. During the major disaster declaration for Texas, federal fiscal year 2019 carryover funds may be used to provide a disaster service regardless of the title under which the funds were awarded to the AAA.

**22. New: Is there an order in which AAAs should spend funds? Are there penalties if the AAAs do not spend all CARES Act or Families First funds? Do AAAs still have to meet adequate proportion and performance measure projections established for 2020?**

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At this time, HHSC does not have a formal recommendation on what order the AAAs should expend their funding.

Please remember that state general revenue funds will not be available for expenditures after Aug. 31, 2020, and unexpended funds will be returned to the state.

The AAAs may use their Families First and CARES Act funding for any expense for COVID-19 starting Jan. 20, 2020. AAAs have the responsibility to manage funds appropriately for ongoing business needs as well as disaster services. AAAs must meet match requirements of the Older Americans Act. Families First, CARES Act and Older Americans Act funds must supplement (expand) and not supplant (replace) local, state and federal sources available for services.

Current-year Older Americans Act, Families First and CARES Act funds may be carried over to federal fiscal year 2021. There are no penalties if on Sept. 30, 2020, an AAA has unspent funds that are more than 5 percent of the funds awarded to them through March 31, 2020.

AAAs must meet adequate proportion and performance measure projections at this time. HHSC is currently studying the impact of COVID-19 to adequate proportion requirements of the Older Americans Act as well as to performance measure projections. Additional time is required by HHSC to appropriately respond to these questions.

**23. New: If the AAA matched Title III-E in fiscal year 2019, is match required for the carryover in fiscal year 2020?**

Yes. Match for Title III is required for funds expended on allowable services. The calculation of the match amounts is determined from expenditures reported on the Quarterly Performance Report for the current fiscal year.

**24. New: For telephone reassurance being conducted by AAA staff, what would be the best funding source? Has a blanket waiver been approved during this time? Can Title III-D funds be used for telephone reassurance? Telephone reassurance is one of the services that meets the 10 percent in-home services to meet adequate proportion requirements. Will adequate proportion be impacted by using a funding source other than Title III-B?**

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During the major disaster declaration for Texas, any Older Americans Act Title III funds are allowable to support telephone reassurance provided by the AAA, including Older Americans Act Title III-D funds.

AAAs may provide telephone reassurance directly without requesting approval from HHSC. This statewide waiver is in effect through Sept. 30, 2020.

Please see the response to question 22 of this section for more information about adequate proportion requirements.

**25. New: Would new AAA clients using CARES Act or Families First funding still be considered unduplicated and count toward the AAA's performance metric for care coordination unduplicated clients?**

Yes. The SPURS system counts people who are new to a service by the funding source, so people served using CARES Act funds should be included in your unduplicated counts.

Families First funding may not be used for care coordination. This funding may be used only for congregate and home-delivered meals.

**26. New: What about purchasing cleaning supplies and protective items for our offices? Will this go under the senior center operations?**

No. The purchase of cleaning supplies and protective items for the AAA administrative offices would be charged to the agency's indirect or to AAA administration.

If the AAA is purchasing items under a special initiative, the charge would be under "Senior Center Operations, Nutrition – Cong, Nutrition – HD," depending on the type of provider.

**27. New: How does the AAA account for the cost of bulk goods? Support service delivery sounds like the cost for the time to put together packages to deliver.**

The cost of bulk goods, groceries and supplies that meet the basic needs of eligible people due to COVID-19 may be purchased as a special initiative in the

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subservice of consumable supplies. Yes, support service delivery is the time to prepare the bulk goods for delivery.

Special initiatives instructions were sent to AAAs on May 27, 2020.

**28. New: Does the state have a vendor that supplies masks and personal protective equipment, and can the state help the AAAs purchase items from that vendor?**

No. HHSC could have reserved allowable CARES Act administrative funds to make bulk purchases for AAAs, but HHSC elected to issue all CARES Act funds directly to AAAs.

If the AAA is having difficulty locating PPE, it should contact its Texas Department of State Health Services Regional Advisory Council. Each of the 22 RACs is tasked with developing, implementing and monitoring a regional emergency medical service trauma system plan. Generally, RAC stakeholders comprise health care entities and other concerned citizens with an interest in improving trauma care. Providers may contact their [RAC](#) to request PPE.

**29. New: Must Councils of Governments or other AAA parent agencies maintain and account for expenditures by funding source, such as Title III, Families First and CARES Act funds?**

Yes, HHSC recommends that each AAA maintain their accounting books (e.g., general ledgers, etc.) in accordance with 45 CFR 75.302(b)(3), which states that the financial management system of each nonfederal entity must provide records that identify adequately the source and application of funds for federally funded activities. The state, AAA and providers are all nonfederal entities that must track federal funds appropriately.

**30. New: Will CARES Act funding include an allocation for administration?**

Yes, the CARES Act notification of funds available included Area Agency Administration, which will require a 25 percent local match. The match is waived if the funds are moved to services.

## **In-Home Services**

**1. Can we suspend home visits?**

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The instructions for the Consumer Needs Evaluation state the assessment may be completed face-to-face or by telephone for day activity and health services, care coordination, respite care, chore maintenance, home-delivered meals, homemaker, and personal assistance.

The instructions for the Nutrition Risk Assessment state the assessment can be completed by the recipient, during an interview or by telephone.

Current Access and Assistance rules for case management allow assessments to be conducted in person or by telephone.

Note: The Determination of Type of Meal was a component of the Home-delivered Meals Pilot Project which is delayed until further notice from AES. The use of this assessment is not required at this time.

- 2. Should we continue to authorize in-home services at this time? At what point should we not process new requests for in-home services (personal assistance, respite, homemaker)? Should we suspend in-home services? We've been continuing to make referrals for homemaker and respite services and allow the provider to make the determination whether to serve.**

AAAs should follow the guidelines of their emergency protocol and COOP. We encourage closely working with the state office and your local health department as well as your local emergency management agency to review how you will handle such situations.

Home and Community Support Services Agencies providing personal assistance, nursing and other support services must comply with HHSC regulations related to COVID-19. AAAs are encouraged to work with their local licensed agencies to determine if services are "essential" and whether services can be provided by that agency. The licensed Home and Community Services Agencies should follow the HHSC FAQ at <https://hhs.texas.gov/sites/default/files/documents/govdelivery/hcssa-covid-faq.pdf>

- 3. I do not find clear CDC guidance on home visits. Can you point us to the appropriate data source?**

CDC guidance for provision of home visits can be found beginning on page 2 of the U.S. Department of Health and Human Services Memorandum at the following link: <https://www.cms.gov/files/document/qso-20-18-hha.pdf>

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4. **Updated: What about home visits for residential repair? Can we complete telephone assessments for that service as well, or is a home visit required? Do we need to let people know the residential repair program is on hold? For residential repair, can we observe the condition of the home without entering the home (for example, visiting the outside of the home where a ramp is to be constructed rather than an in-home visit)?**

A care coordinator must assess a person's need for the residential repair service and maintain documentation of that need in the person's file. The residential repair contractor must provide the AAA with adequate documentation to justify the scope of work required to complete the repair. The supporting documentation of the residential repair service must demonstrate that the service provided is necessary and reasonable. The contractor's estimate for repairs must not serve as the AAA's independent assessment of the person's need for residential repair.

A home visit for residential repair is required prior to paying the provider unless a statement is signed by the recipient that the repairs are complete and acceptable.

5. **Updated: Can the AAAs have a master list of which services require a home visit?**

Residential repair requires a home visit prior to paying the provider, unless a statement is signed by the recipient that the repairs are complete and acceptable. It is a best practice to conduct a home visit for services such as Case Management or Home-delivered Meals before services begin.

Under Case Management a care manager must make at least monthly contacts and a home visit not less than every six months as part of monitoring and follow-up activities. During COVID-19, the AAA may conduct home visits electronically if the person being served has the capability.

6. **To my knowledge, the current service definition for residential repair and the TAC do not require an on-site evaluation. Can you tell me why we're required to do an on-site evaluation?**

The AAA care coordinator must assess a person's need for the residential repair service and maintain documentation of that need in the person's file. This assessment may be conducted by telephone or in person. The Texas Administrative Code requires the AAA to ensure the person requesting a

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service lives in a residence that requires repairs that address energy efficiency, structural integrity or health and safety issues.

The AAA must make an *independent assessment* of a person's functional needs and may not rely on a contractor that will repair the home to make that initial assessment. The residential repair contractor must provide the AAA with adequate documentation to justify the scope of work required to complete the repair. The supporting documentation of the residential repair service must demonstrate that the service provided is necessary and reasonable.

Before payment is made to the contractor, the AAA must confirm the services are completed through an on-site visit or have written acknowledgement by the recipient that the repairs are complete.

**7. Can the AAA reimburse residential repairs above the \$5,000 threshold?**

No. This disaster has not impacted the need for residential repair services.

**8. How much flexibility will be allowed if our AAA did not include telephone reassurance in its budget or Area Plan but now sees a need to implement that service? Can we add telephone reassurance to our planning budget to support the social contact for seniors? If we do telephone reassurance but do not have the service in our current Area Plan can we do so without an amendment?**

AAAs are encouraged to provide socialization to seniors through methods such as telephone reassurance. Due to the impact of COVID-19, AAAs can provide telephone reassurance service during Fiscal Year 2020 without amending their Area Plan and requesting prior approval. Both the Area Plan and the budget can be amended later in the year.

AAAs are encouraged to provide socialization to seniors through methods such as telephone reassurance.

**9. Updated: Are AAAs now allowed to start in-home visits, authorize in-home respite and authorize personal assistance? And are the residential repair contractors now able to go to a person's home to conduct estimates? This is relevant to care coordination and caregiver support coordination services.**

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AAAs should follow the guidelines of their emergency protocol and COOP. It is recommended your AAA follow the CDC guidance as well as any specific guidance from the state and your local health department and emergency management services related to in-home visits. Providers of respite, personal assistance and residential repair should also follow state, local and CDC guidance related to COVID-19.

The instructions for the Consumer Needs Evaluation state the assessment may be completed face-to-face or by telephone for day activity and health services, care coordination, respite care, chore maintenance, home-delivered meals, homemaker, and personal assistance.

Current Access and Assistance rules for case management allow assessments to be conducted in person or by telephone, with an in-home follow up every six months.

Before payment is made to the contractor for residential repair, the AAA must confirm that the services are completed through an on-site visit or have written acknowledgement by the recipient that the repairs are complete.

**10. Would providing standard plug-in appliances, such as refrigerators, for residential repair require a home visit?**

If no structural repairs or modifications are needed for the home, the purchase of a plug-in appliance for an eligible person can be reported as income support.

**11. For residential repair, can we observe the condition of the home without entering the home? For example, visiting the outside of the home where a ramp is to be constructed rather than an in-home visit.**

A care coordinator must assess a person's need for the residential repair service and maintain documentation of that need in the person's file. The residential repair contractor must provide the AAA with adequate documentation to justify the scope of work required to complete the repair. The supporting documentation of the residential repair service must demonstrate that the service provided is necessary and reasonable. The contractor's estimate for repairs must not serve as the AAA's independent assessment of the person's need for residential repair.



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## SPURS

1. **Since the meal sub-service is not needed, do providers need to identify which of their meals are “disaster” meals on rosters?**

ACL guidance for the major disaster declaration for Texas requires HHSC to identify units of service and people provided disaster services. Additional guidance to AAAs is under development.

2. **How will the various funding sources impact data entry in Well sky and on the Quarterly Performance Report for Quarter 3?**

AES is developing guidance to share with AAAs for requesting funds, reporting units and preparing documents such as the Quarterly Performance Report. AES is seeking more guidance from ACL to ensure the AAAs and AES can correctly report all data required for the variety of funding being provided to Texas for the COVID-19 emergency.

3. **Is there a way to move the congregate participants as a group from Title III-C1 to Title III-C2? Should we move clients who are transferred from Title III-C1 to Title III-C2 to the home-delivered meals program in SPURS? Or just change the funding source?**

Yes, we can use the service remap feature to change those congregate meal service deliveries funded with Title III-C1 to Title III-C2 home-delivered meals. The client record will need to be updated in SPURS to add home-delivered meals as a new service for people who will be served meals from congregate providers to be consumed at home because of congregate meal site closures.

Effective **January 20, 2020**, home-delivered meals can be funded by Families First, CARES Act or Older Americans Act funds as a disaster service.

4. **Can HHSC do a unit distribution for congregate meals in SPURS and will the system allow you to add home-delivered meals to the congregate meal sites?**

Unit distribution only changes the fund identifier to allowable funding sources. We can use service remapping to change those Title III-C1 Congregate Meals to Title III-C2 home-delivered meals. Please contact the Help Desk for more assistance.

5. **New: What is the best way to enter multiple meals given to a participant in SPURS?**

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The user can complete data entry of multiple meals in several ways within SPURS. For example, entering units in one client record is easily completed by entering the service delivery of meals directly in the client record. The more efficient method to record multiple meals in multiple client records would be to use a roster that includes a list of the people receiving the meals.

**6. New: Does the AAA need to show the type of meal delivered during the disaster period for either congregate or home-delivered meals?**

Two subservices were added in SPURS for home-delivered meals to identify “Congregate Client-No CNE” and “New-No CNE.” These new subservices are needed to identify people transitioned from congregate meals to home-delivered meals and to identify people who do not yet have the completed CNE on file due to the HHSC waiver. These subservices will help HHSC identify missing data when preparing the annual state program report for ACL.

The subservice meal types — such as hot, frozen, chilled or shelf stable — are not required to be recorded in SPURS.

**7. New: Our AAA uses the topics section in SPURS to enter the narrative detail instead of the comments section. Is this okay?**

Yes, AAAs must use topics to record case notes in SPURS. The example used in training mistakenly showed case notes being recorded in the comments section of a service delivery.

Using topics to enter case notes allows AAAs to use the HAR “Staff Time Report” or any of several other canned reports. It also allows the agency and the state to easily pull case note narratives. HAR canned reports are not able to pull data from the comments box.

## **Community Services**

**1. A local senior center requested coronavirus guidance relevant to senior center services. Do you have information that can be shared?**

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We recommend that you follow the CDC guidance and the ACL Toolkit found at <https://acl.gov/COVID-19> as well as any specific guidance from your state and local health department. Local providers should follow CDC guidance as well as their state and local health department/emergency management guidance.

**2. What program expectations are made for Evidence Based Intervention (EBI) classes?**

EBI classes should be cancelled based on CDC guidance on social distancing or may continue remotely if feasible for the specific program.

The National Council on Aging is compiling information about the national Title III-D list of approved evidence-based interventions. Remote implementation is feasible for some programs, but not all of them. Please visit the National Council on Aging, Center for Healthy Aging, website to find out if remote mechanisms will support program fidelity at:

<https://www.ncoa.org/uncategorized/frequently-asked-questions-covid-19-and-health-promotion-programs/>

**3. Is it allowable under the service definition for Caregiver Information Services to provide information services to caregivers virtually through Zoom or Facebook Live? Can mailouts and newsletters be mailed out for Caregiver Information Services?**

Yes. AAAs are encouraged to seek alternate methods to provide Caregiver Information Services through virtual methods. AAAs must ensure compliance with requirements for reporting of units (one activity or event) and estimated audience count of informal caregivers.

Caregiver Information Services provides the public and individuals with information on resources and services available to the people within their communities. Service units are for activities directed to large audiences of current or potential caregivers such as disseminating publications, conducting media campaigns, and other similar activities. In reporting estimated audience, the AAA should estimate the number of current or potential caregivers reached by the event.

**4. County Commissioners are purchasing food from the foodbank to deliver to a 20-pound bag of food to seniors. Can we use Title III-B and if so, will it be categorized health maintenance?**

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Due to restrictions regarding soliciting donations on USDA commodities and Older Americans Act requirements to solicit a voluntary donation for services, providers cannot be reimbursed for USDA foodbank commodities under III-B.

**5. Is it allowable to deliver food boxes through case management if our well-check calls result in a request from the person? Have you discussed the possibility of AAAs purchasing food for people?**

The AAA can deliver food boxes through case management on a case-by-case basis. AAAs can also purchase groceries for clients under income support or coordinate with meal providers to see if there is capacity to add a client to receive home-delivered meals. AAAs may be able to access local grocery providers who deliver at a discounted or waived delivery fee. If the AAA purchases the groceries under income support and there is a delivery fee by the provider, the delivery fee can be included in the reimbursement to the provider. Faith-based and community-based organizations may also have volunteers deliver groceries.

Income support is paid to a third-party provider for services and goods that support the basic needs of a person. With the major disaster declaration for Texas, any Older Americans Act funding source can be used for a disaster service. Families First funds must be used only for congregate or home-delivered meals.

Additionally, if an AAA or provider can develop a DRI-compliant, shelf-stable meal box, the AAA or provider can be reimbursed for these under home-delivered meals.

**6. Any suggestions on what staff with EBI only duties can be doing at this point since we are not meeting with the public at this time? Can Title III-D evidence-based interventions be conducted remotely?**

AAAs should assess their internal resources to determine where these staff would be most beneficial for their organization. One option may be to encourage EBI staff to continue their relationship with current participants and to find ways to support them with immediate needs through telephone reassurance. AAAs must charge staff time to the appropriate service category.

HHSC agrees providing Title III-D evidence-based interventions is a good way to offer services if the AAA or provider can appropriately track and record services. The National Council on Aging is compiling information about the national Title III-D list of approved evidence-based interventions. Remote

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implementation is feasible for some programs, but not all of them. Please visit the National Council on Aging, Center for Healthy Aging, website to find out if remote mechanisms will support program fidelity at:

<https://www.ncoa.org/uncategorized/frequently-asked-questions-covid-19-and-health-promotion-programs/>

**7. Can AAAs Title III-D funds or disaster funds be used to purchase CDSMP toolkits?**

Title III-D funds can be used to procure mandatory materials needed to implement specific Evidence-Based Intervention programs including CDSMP toolkits.

The major disaster declaration for Texas allows maximum flexibility in the expenditure of Older Americans Act funds for disaster services. AAAs will be permitted to expend funds for disaster services without regard to the Older Americans Act title under which funds are appropriated and no additional waiver, transfer or application to ACL is required. This includes Title III-D funds.

The AAA can expend its Title III-D funds in other supportive or nutrition services. One option may be to encourage EBI staff to continue their relationship with current participants and to find ways to support them with immediate needs through telephone reassurance. AAAs must charge staff time to the appropriate service category.

**8. Can the AAA purchase gift cards directly from a store for eligible people to use for grocery shopping? Can the AAA gift card purchases be exempt from obtaining a receipt from the consumer?**

Yes, the AAA can purchase gift cards directly from a store. Gift cards for the purchase of services or goods that support a person's basic needs falls under income support and are allowable during an emergency. The AAA's documentation of the purchase of the gift card from a retailer, provider or financial institution is sufficient to support the purchase.

**9. How can we purchase groceries? Do we need a contract, or can a direct purchase be made using COG procurement processes? Can the AAA purchase gift cards directly from a store for eligible people to use**

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**for grocery shopping? Can the AAA gift card purchases be exempt from obtaining a receipt from the consumer?**

The AAA may use its COG procurement process for debit card or gift card purchases to use for groceries. The procurement process would be the same as the process used to purchase utilities, supplies or other items needed by the eligible person. When the purchase is related to COVID-19, the purchase must be reported as a disaster relief purchase.

**10. What services can be provided under income support? Rent, utilities, food?**

Income support is assistance in the form of a payment to a third-party provider for services or goods that support the basic needs of the individual, on behalf of an older individual or their caregiver.

Income support may include assistance to pay for rent, utilities, groceries, household supplies, personal hygiene supplies such as soap or deodorant, and other items that support a person's basic needs.

**11. Does it mean that we can use Title III-C1 funds to acquire food bags from the Food Bank? Can we use CARES Act or Families First funds to purchase disaster boxes of shelf stable staples from the Food Bank? Under which service? Income support?**

Based on the major disaster declaration for Texas, the AAA may use any Older Americans Act funds to purchase any disaster relief service including CARES Act funds. Family First funds must be used for either congregate or home-delivered meals.

Reminder: Due to restrictions regarding soliciting donations on USDA commodities and Older Americans Act requirements to solicit a voluntary donation for services, the AAA cannot purchase USDA foodbank commodities with Older Americans Act funds. The AAA may purchase other foods donated to the foodbank.

**12. Updated: In a recent national call, there was mention of restaurant vouchers. Any guidance on this?**

Establishing a restaurant voucher program would be like the respite or transportation voucher program. HHSC may consider this project later if Texas AAAs are interested in pursuing this option for the future.

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**13. Is there training or resources we can use to teach AAA staff how to do income support in both service and reporting?**

No, but AES staff provided training to AAAs on April 23, 2020, demonstrating how AAAs can use a variety of funds for disaster services. Case management and the authorization of income support were used for this training. Income support is a service authorized through case management, similar to the way health maintenance is authorized through case management. Please reach out to the Help Desk if additional guidance is needed.

**14. Updated: Are all AAAs aware that the program instruction for gift cards requires having receipts on file after a person uses the card?**

Please refer to AAA – PI 315, Use of Debit and Gift Cards in a Disaster Situation for new information in this revised program instruction. The AAA is only required to maintain a receipt from the service provider, retailer or financial institution that issued the debit or gift card. Receipts from the person using the card are not required.

**15. Can a tool or chart be developed with the different categories of funding? What is allowed under each funding stream?**

Attached is a chart that identifies various grants from HHSC and characteristics for each grant. The chart also includes a column to describe the impact of the major disaster declaration for Texas for each award. AES is also updating the allowable funding categories chart for AAAs that is usually distributed with budget instructions.

During the major disaster declaration for Texas, the AAA may use its allocated funds for any service included in the service definitions. Funds available for administration may not exceed the amount allocated to the AAA for that purpose, and administration is not considered a "service." The 25 percent match requirement applies to all funds expended for administration. Service match is waived only for Families First and CARES Act funds expended for services provided to an eligible person.

**16. We normally use health maintenance for a variety of needs, including gift cards in emergencies. Since we already have health maintenance**

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**budgeted, can we use that activity instead of income support? We would also like to use health maintenance for food baskets.**

Income support provides services or goods that support the basic needs of the person while health maintenance promotes and maintains the health or safety of the person. The AAA must report the purchase under either income support or health maintenance depending on the actual service provided according to the service definitions for 2020. Food baskets must be reported under income support, not health maintenance based on the service definitions for 2020. The AAA should amend its budget to include income support when preparing its working budget.

- 17. Updated: Can the AAA provide funds to the providers to purchase extra food for the people they serve? We would like to provide an extra \$5,000 to each provider to purchase food or gift cards, and we would require documentation of each person receiving a gift card. Will a waiver be provided to allow subrecipients to provide income support?**

No. The AAAs may not provide funds to providers to purchase extra food for AAA clients, but they can provide more meals. Income support is a service that must be provided by the AAA based on the specific needs of a person. AAAs are encouraged to coordinate efforts with providers to identify people in need of additional help and make appropriate referrals for assistance. The provider should refer a person who needs income support to the AAA, because income support must be provided by the AAA and a waiver will not be provided to allow subrecipients to provide this service.

- 18. Would gift cards be distributed only to those receiving home-delivered meals or can they be distributed to the aging population who meets the Older Americans Act guidelines? Can we use Title III-D funds?**

Gift cards may be distributed to any Older Americans Act eligible person to support that person's basic needs. Gift cards must be charged to income support or health maintenance and are allowable only during an emergency. Income support provides services or goods that support the basic needs of the person while health maintenance promotes and maintains the health or safety of the person. The AAA must report the purchase under either income support or health maintenance depending on the actual service provided according to the service definitions for 2020.



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Based on the approved major disaster declaration for Texas, AAAs are permitted to expend funds for disaster services without regard to the Older Americans Act title under which funds are appropriated, including Title III-D funds.

**19. Can we purchase grab bars without an in-home visit?**

Yes. The health maintenance service may be used to purchase grab bars to maintain the health and safety of the older individual.

**20. Updated: Can AAAs buy food in bulk and distribute to eligible people? If yes, would this be counted as income support?**

The AAA may buy food in bulk and distribute the food to eligible people under a special initiative if approved by HHSC. Instructions and the template to request approval of a special initiative were distributed to AAAs on May 27, 2020.

**21. Income support requires a W-9 form for IRS purposes. Has the requirement for a W-9 been waived?**

Income support is paid to a third-party provider for services and goods that support the basic needs of a person. Income support should not include income (wages) paid to a person.

**22. New: Can the AAA cover the cost for senior centers to deliver home-delivered meals or for running errands, such picking up medications or groceries for eligible people?**

Please submit this activity for consideration using the special initiatives template.

**23. New: Is purchasing groceries directly from the store for a person considered income support or health maintenance? If health maintenance is the allowable service, then please clarify how to count the units. For example, if we purchase 107 distinct items, would this count as 107 units or just one unit of service?**

Income support provides services or goods that support the person's basic needs, such as food. Health maintenance maintains the health or safety of the

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person and includes items such as medication, walkers or shower transfer benches.

Count one unit each time a single payment is made for a person for income support.

Count one unit each time a person receives a service for health maintenance. For example, if the AAA pays for a case of Ensure, count one unit (the case of Ensure).

## **Nutrition Services**

- 1. We have received a request from a congregate meals provider at an apartment complex to allow people to take their meals back to their apartment because of the COVID-19 virus. Is this allowed?**

Yes, however any meal not consumed at the congregate site must be reported as a Title III-C2 meal.

The maximum flexibility in the use of Older Americans Act funds allowed under the major disaster declaration for Texas and the additional funds provided through the Families First Act and the CARES Act will help providers cover the costs for meals provided to people who attended the congregate site but now are receiving meals through a variety of different methods. Meals not consumed at the congregate site must be reported as a Title III-C2 meal.

- 2. In the wake of low attendance at the congregate setting, is it permissible to apply the home-delivered rule of approved reimbursement for up to two missed meals?**

No. There is no provision for reimbursement for congregate meals prepared but not served.

- 3. Should we be closing congregate sites for deep cleaning?**

We recommend that you follow the CDC guidance and the ACL Toolkit found at <https://acl.gov/COVID-19> as well as any specific guidance from your state and local health department. Local providers should follow CDC guidance as well as their state and local health department/emergency management guidance.

- 4. When are providers allowed to distribute emergency meals to program participants for planned emergencies?**

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From ACL: The Older Americans Act does not address this issue. States and Tribes can determine for themselves the best time to distribute emergency meals. It is generally good practice to have them in the participant's home prior to when service interruptions are anticipated to occur. Program participants should be informed about the use of these meals, and these meals should be consumed within one year or according to expiration dates. All meals should be date labeled.

**5. When do providers count the emergency meals delivered to program participants?**

From ACL: The Older Americans Act does not address this issue; however, it is recommended that the meal would be counted when it is delivered.

*In Texas, the meal should be counted when delivered.*

**6. Any suggestions for the following would be helpful concerning coronavirus: kitchen staff shortage, driver shortage, volunteer shortage, mandated quarantines, delivering to possible quarantined clients, and disruption to supply chains.**

From ACL: The network should already have emergency protocol and Continuity of Operations Plans (COOP) established. Many policies should address issues related to meal suspension (due to inclement weather, for example) that can be adapted in the event your community requires a quarantine. Shortages of staff may result in a local decision to offer other delivery options, such as pickup or drive through method, use of emergency staff for meal delivery, drop ship delivery method and stable meals at hospitals for pickup. ACL recommends the local network follow state and local health department/local emergency management communications for the best information and accurate instructions for your community.

**7. If a congregate nutrition provider has an emergency and they use shelf-stable meals, can those meals be counted as Nutrition Services Incentive Program (NSIP) meals?**

Yes, if the meals are purchased with Older Americans Act Title III funds and meet the dietary requirements of the Older Americans Act.

Reminder: Meals purchased with Families First and CARES Act funds are not eligible for NSIP cash and do not have to meet the Older Americans Act dietary

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requirements. NSIP funds will be distributed to states for 2020 and 2021 based on 2019 meal counts submitted by states.

*To clarify, in Texas these are shelf-stable meals served and consumed at the congregate site.*

**8. If a nutrition provider wants to send a congregate meal home with a senior, can it be counted as an Older Americans Act Title III-C1 meal? Can we use NSIP funds instead of Title III-C2 for “grab and go” meals?**

Meals not consumed at the congregate site must be reported as a Title III-C2 meal. NSIP funds can be budgeted and expended in either the congregate meals or home-delivered meals category for providing meals meeting the Older Americans Act dietary requirements.

The maximum flexibility in the use of Older Americans Act funds allowed under the major disaster declaration for Texas and the additional funds provided through the Families First Act and the CARES Act will help providers cover the costs for meals provided to people who attended the congregate site but now are receiving meals through a variety of different methods.

**9. Can shelf-stable or frozen meals that will be delivered to the home or “drive-thru” meals that are to be consumed in the home be paid for with C-1 funding? What flexibility is there to address the increased need for these meals? Will we be able to transfer more Title III-C1 funds to Title III-C2 than the 40 percent allowed by the Older Americans Act?**

Meals not consumed at the congregate site must be reported as a C-2 meal. The maximum flexibility in the use of Older Americans Act funds allowed under the major disaster declaration for Texas, and the additional funds provided through the Families First Act and the CARES Act, can help providers cover the costs of meals provided to people who attended the congregate site but now are receiving meals through a variety of different methods.

The funds available through Families First must be used for nutrition services, and 100 percent of those funds can be used for congregate meals **or** home-delivered meals, or a combination. This and the use of Older Americans Act funds will help providers cover the costs for meals provided to people who

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attended the congregate site but are now receiving meals through a variety of different methods.

**10. Will ACL waive DRI nutrition requirements if AAAs use current supplies of emergency meals?**

From ACL: The existing statute does not give ACL the authority to waive the dietary reference intakes (DRI) applicable to meals under Title III, parts C1 or C2 or under NSIP.

However, due to the declaration of a public health emergency by the U.S. HHS secretary, ACL will consider the purchase of meals that may or may not meet the DRI requirements under the provision in Part B, Section 321(a)(25) "any other services necessary for the general welfare of older individuals." Therefore, Part B may pay for meals that do or do not meet DRI requirements during this public health emergency to ensure access to meals for seniors.

*In Texas, those meals may be reported under "health maintenance."*

Meals purchased with Older Americans Act, Families First and CARES Act funds are not required to meet Older Americans Act nutrition requirements during the period of the federal COVID-19 public health emergency declared under the Public Health Service Act. Meals purchased with these funds are not eligible for NSIP cash. ACL recommends meal providers continue to serve meals that meet Older Americans Act requirements and ACL has provided guidance that under no circumstance should a meal provide **fewer than 534 calories per meal**.

**11. What triggers protocols, such as "deliverers hanging the food on doorknobs, knock and then step back 6 feet and wait for the person to answer the door and remove the bag from the door handle?" Is there some kind of "now it's at x level" announcement to indicate when we kick off strategies (and how to stop them), and what are those strategies?**

**Can delivery drivers leave meals on the porch rather than hand them directly to the client?**

From ACL: ACL recommends the local network follow CDC guidance as well as state and local health department/local emergency management

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communications for the best information and accurate instructions for your community.

*For Texas, the delivery person must not leave a meal on the doorstep or porch without being sure the person (or caregiver) has picked up the meal to take it into their home.*

**12. Is anyone thinking of how to provide food to home-delivered and to congregate sites if the coronavirus affects a program's ability to serve?**

From ACL: If your state or local health department/emergency management guidance recommends closure of congregate sites and creates your inability to serve meals, ACL encourages the triaging of consumers and the development of a plan to distribute an array of emergency meals as well as regular home-delivered meals.

**13. If we must shut down senior centers, what alternative ways of providing meals would be allowed? Could we provide "grab-and-go" meals or "drive-up" meals for clients to take home?**

From ACL: ACL encourages you to work with your local health department and/or emergency management (COOP) to determine the best way to provide meals to seniors.

Shelf-stable, frozen, grab-and-go, drive-up and drive-thru meals may be provided if program requirements are met. Additionally, NSIP funds may be used to pay for these meals if the meals are domestically produced and the program participants meet NSIP requirements.

The approved major disaster declaration for Texas allows maximum flexibility in the expenditure of Older Americans Act funds for disaster services. AAAs will be permitted to expend funds for disaster services, including nutrition services, without regard to the Older Americans Act title under which funds are appropriated. A meal must still be reported as either as a congregate meal or a home-delivered meal, regardless of the funds used to pay for the meal. Additional guidance for reimbursement and reporting will continue to be provided.

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Meals purchased with Families First, CARES Act or Older Americans Act funds are not required to meet the dietary guidelines of the Older Americans Act during the period of the federal COVID-19 public health emergency declared under the Public Health Service Act. People served must be eligible for services under the Title III program under which a service is provided regardless of the category of funds used to provide that service.

**14. What do we do if our volunteer drivers are sick and unable to deliver? We have clients who cannot come to the door, so our drivers enter the home and hand the meal to a chair-bound or bed-bound senior.**

From ACL: It is important to have partnerships in the community that can help in these situations. These partnerships may include police or fire departments and other entities with the capability of entering homes and delivering meals from our network. We encourage closely working with your state and local health department as well as your local emergency management agency to review how you will handle such situations.

*In Texas you may want to consider delivering meals once every two weeks. Texas is waiving the requirement to deliver home-delivered meals at least once per week.*

**15. What happens when I have kitchen staff, as well as drivers, decide that family is more important than work/volunteering and call off for a quarantine period? Not enough food production, not enough drivers. Shelf-stable meals will only last our average client two weeks (if they have not already opened or used them, as I know many clients do.)**

**What do we do if every program nationwide is trying to ramp up similar strategies, causing vendors and meal providers to have shortages? It will be no different than what is beginning to happen at grocery stores in some areas of the country.**

From ACL: The network should already have emergency protocol and Continuity of Operations Plans (COOP) established. Many policies should address for meal suspension (due to inclement weather, for example) that can be adapted in the event your community requires a quarantine. ACL recommends the local network follow state and local health department/local emergency management communications for the best information and accurate instructions for your community. In addition, partnerships throughout the community may be of assistance.

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**16. Updated: If senior centers provide home-delivered meals to congregate meal recipients, there will be no Consumer Needs Evaluation for that person. Do these recipients have to meet the Title III-C2 requirements or is this waived during COVID-19? Does the person still have to meet at least a score of 20 for the Consumer Needs Evaluation? What is the time frame for the waiver on completing a Consumer Needs Evaluation for people who are new to the home-delivered meals program?**

A person must meet eligibility requirements for Older Americans Act nutrition services. A Consumer Needs Evaluation is not needed for people who receive meals from a congregate site to be consumed at a different location or who are sheltering at home due during COVID-19. The Administration for Community Living considers people who are socially isolating to be homebound and eligible for home-delivered meals during COVID-19 if the person meets all other eligibility requirements.

HHSC has waived the requirement to conduct a CNE assessment for congregate meal recipients who receive meals to be consumed at a location other than the meal site.

HHSC is also waiving the requirement to conduct a CNE assessment for people who are new to the home-delivered meals program. The CNE should be completed for new home-delivered meals program recipients by the one-year anniversary of the recipient's intake date.

Waivers are in effect through **Sept. 30, 2020**.

**17. Our county governments are not allowing groups of more than 10 people and this will affect our congregate meal sites. How do we continue to serve these seniors if we are not allowed to provide meals?**

The congregate meal provider may continue to provide services through "grab-and-go", "drive-thru" or other methods. The meal provided in this manner must be counted as a home-delivered meal. The meal provider may also want to consider providing meals in shifts to limit participation to a maximum of 10 people at one time. The provider should follow CDC guidance as well as specific guidance from the state and local health department and emergency management services.



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- 18. If our congregate providers are going to a "drive-thru" model for meals, should we reimburse at the home-delivered meals rate or keep with their congregate meals rate? For "common" providers, if home-delivered meals are now being provided instead of congregate meals, does the state-established flat rate of \$5.31 apply? If a "congregate only provider" chooses to start serving home-delivered meals to their congregate participants, how will this work since we do not have a home-delivered meals contract with them? If a client is receiving meals from a congregate provider to take home is the provider reimbursed at the congregate or home-delivered meals rate? Who will be reimbursed for meals, a home-delivered meals provider, a congregate meals provider or both?**

To ensure providers can continue to serve older Texans, AAAs will reimburse existing congregate meal providers their current Title III-C1 rate for meals delivered using an alternative approach because of the COVID-19 emergency (for example: grab and go, take home, or delivered).

The \$5.31 flat rate is applicable to all "common" home-delivered meals providers – those providers that have entered into a contract with the AAA for Title III home-delivered meals and a contract with the State for Title XX home-delivered meals. "Common" home-delivered meals providers may have contracted with the AAA to provide both home-delivered meals and congregate meals.

All meals provided by a congregate meal provider will be reimbursed at their existing Title III-C1 rate.

A AAA may reimburse a provider only if a service is provided to an eligible person, so the AAA may reimburse a home-delivered provider, a congregate provider, or both.

- 19. Is it still required that meal providers seek approval of a licensed dietician for menu changes during this time?**

No, but ACL recommends meal providers continue to serve meals that meet Older Americans Act requirements, and ACL has provided guidance that under no circumstance should a meal provide fewer than 534 calories per meal. It is recommended that your AAA and providers continue to work with a licensed dietitian to ensure people receive meals that are rich in nutrients to help sustain their health.

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**20. Can we use transportation to pick up or deliver shelf stable meals?**

No. AAAs must reimburse a provider for the service as defined in the service definitions. Transportation is reimbursed for one one-way trip and home-delivered meals are reimbursed for one meal. The cost of delivering home-delivered meals should be included as a cost in the rate paid to the meal provider.

**21. Can the “Transportation Demand Response” service be used to deliver groceries to a person’s residence? Is there any flexibility in paying for food delivery by transportation providers?**

No. Transportation is reimbursed for one one-way trip provided to an eligible person. Groceries can be delivered under income support and homemaker providers can assist with tasks such as grocery shopping. Some grocery stores may deliver to older people at no charge or can be reimbursed the fee for delivery.

**22. Updated: A congregate meal provider is now delivering meals, and delivery expenses were not included in their original meal rate since no one knew COVID-19 was going to happen. How can the meal providers be reimbursed? Can we pay for the transport of meals and other emergency food supplies?**

No. The cost of delivering home-delivered meals should be included as a cost in the rate paid to the meal provider. Providers will continue to be paid their current congregate meal rate for those meals provided to people who are sheltering in place during the federal COVID-19 public health emergency declared under the Public Health Service Act.

The AAA may consider a special initiative to reimburse a congregate or home-delivered meals provider for unanticipated costs that are beyond the rate paid to the provider and are the result of the COVID-19 public health emergency declared under the Public Health Service Act.

**23. If new person does not meet the CNE criteria during the waiver period for a home-delivered meal, would they be eligible for AAA funded meals beyond the waiver period?**

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No. A person who is new to the home-delivered meals program must be eligible for the program. Although the CNE requirement is waived for COVID-19, the CNE must be conducted within one year from the date of the Intake. People who are not eligible for home-delivered meals should be referred to the congregate meals program as soon as possible after the emergency period.

- 24. Must a home-delivered meal recipient be considered “homebound?” Does social distancing qualify as “homebound?” If the governor has called for social distancing but the local county has not issued a stay-at-home order, can congregate meal participants be considered “homebound” for qualifying for home-delivered meals?**

Yes. Based on the CARES Act and ACL guidance, a person who is social distancing is considered homebound for the duration of the federal COVID-19 public health emergency declared under the Public Health Service Act and qualifies for a home-delivered meal.

- 25. Are the requirements of DRI only waived for meals provided with COVID funding?**

No. The Older Americans Act nutrition requirements are waived for meals provided by Families First, CARES Act and Older Americans Act funding during the period of the federal COVID-19 public health emergency declared under the Public Health Service Act. ACL has provided guidance that providers should still try to meet the Older Americans Act requirements, and that under no circumstance should a meal provide fewer than 534 calories per meal.

- 26. Can we use the COVID-19 funds to purchase meals beyond the five meals for home-delivered meals? Can an AAA reimburse a meal provider for breakfast, lunch and dinner served to eligible people? Can we use the COVID-19 funds to purchase more than five home-delivered meals per week for eligible people?**

Yes. The AAAs may purchase more than five meals for a person each week based on local needs using Families First, CARES Act or Title III Older Americans Act funds. The AAA can reimburse a provider for more than one meal provided to an eligible person each day.

- 27. Updated: Can COVID-19 funds be used to pay for items other than a meal, that the meal provider needs help with? Example, temporary workers to help with meal prep/drivers? Follow up to my previous question to pay for items other than meals with COVID-19 funds, these**

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**would be additional staff and products that are not included in their existing rate. We are looking at the meal provider's current capacity and how they may need additional staff or help with extra costs incurred (meal packaging) because of the increased need for home-delivered meals.**

The Families First funds must be used to purchase only congregate or home-delivered meals at the negotiated rate. The rate paid to the provider is intended to cover all costs of the meal.

The additional funds may allow the AAA to purchase a greater share of total meals served by the provider, allowing the provider to use local funds to cover the additional costs.

The AAA may consider a special initiative to reimburse a congregate or home-delivered meals provider for unanticipated costs that are beyond the rate paid to the provider and are the result of the COVID-19 public health emergency declared under the Public Health Service Act.

**28. Will the Nutrition Education requirement be waived? If we are not able to connect to someone one-on-one, how can we continue to provide Nutrition Education?**

No. The Nutrition Education requirement is not waived. Nutrition Education is required once a year, so the provider may consider providing the service by phone or video chat or delaying the provision of this service.

**29. What date do those DRI waivers go into effect for meals funded by the Families First and CARES acts?**

The DRI waiver for meals funded by Families First and CARES Act awards is effective on the date your community and providers began to experience the impact of COVID-19, but no earlier than January 20, 2020. The DRI waiver is also applicable to meals funded with Older Americans Act funds for the duration of the federal COVID-19 public health emergency declared under the Public Health Service Act.

**30. Can we pay the nutrition providers a whole unit rate since the 10 percent match is waived with COVID-19 funds?**

No. Please refer to the Frequently Asked Questions updated April 3, 2020. AAAs will reimburse existing congregate meal providers their current Title III-

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C1 rate for meals delivered using an alternative approach because of COVID-19 (for example: grab-and-go, take-home or delivered). The \$5.31 flat rate is applicable to all “common” home-delivered meals providers — those providers who have entered into a contract with the AAA for Title III home-delivered meals and a contract with the state for Title XX home-delivered meals.

**31. The CARES Act allows 100 percent of the transfer of funds between Title III-C1 and C2. Does that also apply to the fiscal year 2020 Older Americans Act funds?**

Yes, because of the major disaster declaration for Texas. The CARES Act allows for the flexibility to transfer 100 percent of funds between the congregate and home-delivered meals programs (C1 and C2).

The major disaster declaration for Texas triggers the flexibility in the use of Older Americans Act funds beyond what is permitted by the CARES Act and allows the AAA to use any funds for a disaster relief service (a service needed during the federal COVID-19 public health emergency declared under the Public Health Service Act).

Families First funds may only be used for congregate and home-delivered meals.

**32. When congregate meal sites reopen, how does using Families First Title III-C1 funding meet the disaster definition?**

The AAA may want to consider providing funds for senior center operations to temporarily support other activities at the congregate site that may help people as they return from sheltering in place. Having that foundation may allow the site to invite more speakers or hold more activities, such as benefits counselors, mental health providers, physical fitness instructors or others. Invite local elected officials to the site and encourage people to talk about their experiences (“What worked well and what did not work well during COVID-19?” “How can the response be improved?”).

**33. Can meal providers use a vendor that is approved by their county that hasn’t been used previously for purchase of frozen and shelf-stable meals?**

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Yes. AAAs should follow their organization's contracting procedures for procurement of services during an emergency.

**34. If our local food bank prepares and delivers meals to adults 60 and over, can the AAA contract for nutrition services and reimburse the food bank? The food used is not donated, it is purchased.**

AAAs should follow their organization's contracting procedures for procurement of services during an emergency. If the AAA reimburses the food bank for meals delivered, it is the AAA's responsibility to be sure the meals it purchases include only food items that are not donated to the food bank by USDA.

**35. New: If staff and volunteers are still eating meals at the meal preparation sites, are those meals counted as congregate meals?**

A meal served to an Older Americans Act-eligible individual and consumed at the congregate nutrition site must be reported and reimbursed as a congregate meal. Staff at the nutrition site must be eligible for the meal for a meal to be reimbursed through Title III funds.

**36. New: Would the state consider a waiver for the way home-delivered meals state general revenue is spent this year to allow us to request all state general revenue up front for the full unit rate of \$5.31 until it is fully expended?**

No. The state general revenue for home-delivered meals is intended to supplement the rate increase from \$4.95 to \$5.31 per meal. The only way to distribute these funds is on a per-meal reimbursement of \$.36 per meal.