



COMMONWEALTH of VIRGINIA
Department for the Aging

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July 15, 2008

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Note: The web addresses (links) in this document may change over time. The Department for the Aging does not attempt to refresh the links once the week has passed. However, this document is maintained on the web for a period of time as a reference. Some links may require registration.

1610 Forest Avenue, Suite 100, Richmond, Virginia 23229
Toll-Free: 1-800-552-3402 (Voice/TTY) • Phone: 804-662-9333 • Fax: 804-662-9354
E-mail: aging@vda.virginia.gov • Web Site: www.vda.virginia.gov



COMMONWEALTH of VIRGINIA
Department for the Aging

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

AND: Nutrition Directors

FROM: Elaine S. Smith, MS, RD
Program Coordinator

DATE: July 15, 2008

SUBJECT: Article: Multivitamin-Mineral Supplements in the Older Americans Act Nutrition Program

The following article is a reprint from the American Journal of Public Health. You must subscribe to the Journal to see the full article. Alternatively the link below is a full reprint. If you have any difficulty accessing the article, please contact me for a hard copy.

[Multivitamin-Mineral Supplements in the Older Americans Act ...](#)

RedOrbit - Dallas, TX

US Administration on Aging. Highlights from the pilot study: Second National Survey of Older Americans Act Title III Service Recipients. ...



COMMONWEALTH of VIRGINIA
Department for the Aging

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

AND: Nutrition Directors
Health Promotion and Disease Prevention Coordinators
Fan Care Coordinators

FROM: Elaine S. Smith, MS, RD
Program Coordinator

DATE: July 15, 2008

SUBJECT: Environmental Protection Agency (EPA) Aging Initiative Fact Sheets

The EPA Aging Initiative has developed fact sheets outlining simple and important preventative steps to reduce exposure to environmental hazards and protect ones' health. The fact sheets are available in as many as 15 languages, and some of the most popular, "It's Too Darn Hot: Planning for Excessive Heat Events" and "Beat the Heat", have been developed into posters available in English and Spanish. For an electronic copy or to order hard copies of these fact sheets, please visit: <http://www.epa.gov/aging/resources/factsheets/order.htm> or e-mail aging.info@epa.gov.

The index is located at <http://www.epa.gov/aging/resources/factsheets/index.htm> .

COMMONWEALTH of VIRGINIA
Department for the Aging

July 15, 2008

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Tim Catherman
Director of Administrative Services

RE: No Wrong Door Coordinator

I am pleased to announce that Charlene Cole has accepted the position of No Wrong Door Coordinator. Charlene's first day will be Monday, July 28, 2008. For the past six years, Charlene has worked at SeniorConnections the Capital Area Agency on Aging. Two of those years she was the agency's No Wrong Door Technology Coordinator. Prior to that Charlene was the Congregate Meals Program Coordinator. Charlene has a wealth of experience working in health and human resources and technology related positions. Previous to Senior Connections, Charlene was an Emergency Services Associate with the American Red Cross.

Please join me in welcoming Charlene to VDA.



COMMONWEALTH of VIRGINIA
Department for the Aging

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Janet James, Esq., State Legal Services Developer

DATE: July 15, 2008

SUBJECT: "Project 2025" Outreach Materials (FREE)
**Spanish Translation of ABA Commission on Law and Aging's
Legal Tools Booklet and Subtitled Video (DVD and VHS)**

I want to extend my sincere thanks to each of you for your continued support of Project 2025¹, a critical initiative to ensure that Virginia's older adults are able to access the legal services, assistance, and information they need.

The ABA Commission on Law and Aging is currently offering **FREE SUPPLIES (INCLUDING SHIPPING)** of the Spanish version of its most popular consumer brochure *Health and Financial Decisions: Legal Tools for Preserving Your Personal Autonomy*, and the 19-minute Spanish-subtitled version of the video *In Your Hands: The Tools for Preserving Personal Autonomy* (the video is available in DVD and VHS format and comes with a program guide that provides sample scripts and discussion points to help present the program).

Project 2025 requested a large shipment of materials and will be sending each AAA your own supply (25 Brochures, 5 DVDs, and 2 VHS Tapes).

¹ *Project 2025: Enhanced Access to Legal Assistance for Older Americans in Virginia.* See web page at www.Project2025Virginia.org.

Project 2025 Outreach Materials (FREE)

July 15, 2018

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The materials encourage seniors to use legal planning tools to ensure that their personal, health care, and financial wishes are honored in the event they become sick, disabled, or incapacitated.

While not specific to Virginia law, these materials are user-friendly, well developed, and address major legal issues of interest for older adults. They are wonderful tools for legal assistance advocates who work with Spanish-speaking seniors, caregivers, or family members.

To see the Spanish version of the brochure, go to:

http://www.abanet.org/aging/publications/docs/health_financial_desc_spa.pdf

To see the English version of the brochure, go to:

<http://www.abanet.org/aging/publications/docs/HealthFinancial2004.pdf>

Please share your materials with Spanish-speaking seniors, caregivers, family members, and those who work with Spanish-speaking seniors.

For those interested in receiving additional free copies of the Spanish brochure or Spanish subtitled video, please refer them to the ABA Commission on Law and Aging at: (202) 662-8690 or abaaging@abanet.org.

Thank you for your continued support of Project 2025 and the Title III-B legal assistance program for Seniors!



COMMONWEALTH of VIRGINIA
Department for the Aging

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Ellen Nau, Human Services Program Coordinator

DATE: July 15, 2008

SUBJECT: Money Follows the Person

Virginia is one of 31 states participating in a five-year, \$1.75 billion Money Follows the Person (“MFP”) Demonstration project designed to create a system of long-term services and supports that better enables individuals to transition from certain long-term care institutions into the community. Virginia’s Money Follows the Person (MFP) Project Guidebook is now available on the program’s website at <http://www.olmsteadva.com/mfp/>. The MFP website can also be accessed from the VDA website at: <http://www.vda.virginia.gov/>. The guidebook was approved by the Centers for Medicare and Medicaid Services on June 24, 2008. It is the operational protocol for Virginia’s Money Follows the Person Demonstration that began on July 1, 2008.

Available also on the Money Follows the Person website is the Medicaid Provider Manual Update of June 26, 2008 that provides the Manual Appendix for each of the Home and Community Based Waiver Programs: HIV/AIDS; Elderly or Disabled with Consumer Directed Services; Individuals and Families with Developmental Disability Supports; Mental Retardation, and Technology Assisted. A June 11, 2008 Memorandum from Patrick Finnerty, Director, Department of Medical Assistance Services, introduces the MFP Demonstration and enumerates new services added to existing waivers for individuals participating in MFP. *These services are also available for all individuals receiving the applicable home and community based care waiver services.* Emergency regulations establishing these new and added waiver services are

Money Follows the Person
July 15, 2008
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now in effect and can be viewed on Virginia's Regulatory Town Hall at:
<http://www.townhall.virginia.gov/L/ViewStage.cfm?stageid=4590>.

Everyone who moves to the community under the Money Follows the Person Project will have assistance developing a person-centered transition plan. Case managers and transition coordinators are attending training in person-centered practices. The training schedule is available on the MFP website. If personnel at your agency have trained to be MFP transition coordinators, please email me the name of the transition coordinator and his/her contact information. (Ellen.Nau@vda.virginia.gov).

COMMONWEALTH of VIRGINIA
Department for the Aging

MEMORANDUM

TO: Title V Directors

FROM: Marica B. Monroe, Financial Manager

DATE: July 15, 2008

SUBJECT: Title V Closeout Report – FYE 06/30/2008 Contracts

The close out (settlement) reports for the fiscal period beginning July 1, 2007 and ending on June 30, 2008 for the Title V, Senior Community Service Employment Program must be submitted to the Virginia Department for the Aging (VDA) on or before September 1, 2008. Please complete the report using the pages and fields for DOL. An electronic version of the report is available on the VDA website, www.vda.virginia.gov. Please e-mail the completed report to reports@vda.virginia.gov. Please name the file, Title V Closeout Report PSAxx (Insert your PSA number in the characters, xx). If you have any questions, please call me at (804) 662-9320 or e-mail me at marica.monroe@vda.virginia.gov.

CC: Tim Catherman
Pat Cummins, Program Coordinator

**Virginia Department for the Aging
Title V Financial Report - Final Closeout, FYE 06/30/2008**

Agency: _____

PSA # _____

Request for Funds for the month of: FINAL

		DOL
1) Unencumbered Cash-on-Hand as of 7/1/2007		
2) Cash Received Y-T-D for This Contract		
3) Cash Requested Last Report but Not Yet Received		
4) Cash Available Y-T-D for This Contract (Sum of lines 1, 2 and 3)		
5) Cash Disbursed During Previous Months		
6) Cash Disbursed During Report Month		
7) Cash Disbursed Y-T-D (Line 6 + Line 7)		
8) Cash-on-Hand (Balance Due) at End of Grant Period (Line 4-Line 5)		

I hereby certify that I have the designated authority to represent the contractor for whom this information is reported. I further certify that to the best of my knowledge and belief, this information is true, correct, and a complete statement prepared from the books and records of the contractor in accordance with applicable instructions, except as noted. Reported information is in agreement with previously submitted information to the Virginia Department for the Aging.

Note: If there is Cash-on-Hand at the end of the grant period, please remit this balance to VDA with the final report.



COMMONWEALTH of VIRGINIA
Department for the Aging

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Deb Loving

DATE: July 15, 2008

SUBJECT: Modified Forms: Virginia Caregiver Service Form
Virginia Service Quick Form

The **Virginia Caregiver Service Form** and **Virginia Service Quick Form** have been modified to change the "Social Security Number" field to read "Customer ID".

Please see the attached or download the new forms from the VDA web site via the following links:

[Virginia Caregiver Service Form](#)

[Virginia Service Quick Form](#)

A review of these forms has determined that the SSN is not an essential data element for the services involved.

Please note that both the AIM and GetCare applications have the capability to assign customer identifiers and maintain uniqueness.

If you have questions or need further guidance, please contact me at deb.loving@vda.virginia.gov or 804-662-9323.

VIRGINIA CAREGIVER – SERVICE FORM

Today's Date ____/____/____

Updated ____/____/____

Caregiver Name & Demographic Information

Caregiver Name: _____
(Last) (First) (Middle Initial)

Address: _____
(Street) (Apartment Number)

(City) (State) (Zip)

Phone: (____) _____ County/City of Residence: _____

Caregiver's Customer ID: _____

Caregiver Birthdate: ____/____/____ Male Female
(Month) (Day) (Year)

Caregiver Race and Hispanic Status:

____ White or Caucasian Only ____ Black / African American Only ____ American Indian or Alaskan Native Only
____ Asian Only ____ Native Hawaiian or Pacific Islander Only ____ Some other Race Only
____ Two or More Races Combined ____ Race unknown or unreported

____ Hispanic or Latino Origin **OR**
____ **Not** Hispanic or Latino Origin **OR**
____ Hispanic ethnicity **unknown**

Caregiver Relationship to Client:

____ Husband (Spouse) ____ Wife (Spouse)
____ Son ____ Daughter ____ Other Relative (e.g. Sibling)
____ Grandparent ____ Non-Relative ____ Non-Relative Legal Guardian or Custodian

Does Caregiver Live with Client? ____ Yes ____ No

Client Information

Client's Name: _____
(Last) (First) (Middle Initial)

Client's Customer ID: _____ Client's Birthdate: ____/____/____
(Month) (Day) (Year)

For Office Use Only

Services Requested:

Services Provided:

Agency / Provider: _____ PSA No. _____

NOTE: At a minimum, this form must be updated annually in order for a client/caregiver to continue service.

VIRGINIA SERVICE – QUICK FORM

Today's Date ____/____/____

Updated ____/____/____

Client Name & Demographic Information

* Name: _____
(Last) (First) (Middle Initial)

* Address: _____
(Street)

(City) (State) (Zip)

* Phone: () _____ County or City of Residence: _____

Client's Customer ID: _____ Is There a Caregiver? Yes ____ No ____

Birthdate: ____/____/____ Gender: ____ Male ____ Female
(Month) (Day) (Year)

Race Status:

- | | | |
|---|---|---|
| <input type="checkbox"/> White or Caucasian Only | <input type="checkbox"/> Black / African American Only | <input type="checkbox"/> American Indian or Alaskan Native Only |
| <input type="checkbox"/> Asian Only | <input type="checkbox"/> Native Hawaiian or Pacific Islander Only | <input type="checkbox"/> Some Other Race Only |
| <input type="checkbox"/> Two or More Races Combined | <input type="checkbox"/> Race Unknown or Unreported | |

Hispanic Origin:

Hispanic or Latino Origin **OR** Not Hispanic or Latino Origin **OR** Hispanic Ethnicity Unknown

Physical Environment

No one else lives in my home

Yes, I live with someone

Financial Resources

Number of members in immediate family: _____

Total monthly income of immediate family: \$ _____

In Federal Poverty? Yes ____ No ____

Sliding Fee Scale Level? A____ B____ C____ D____ E____ F____ G____
(If applicable)

For Office Use Only

Services Requested:

Services Provided:

Agency / Provider: _____ PSA No. _____

NOTE: At a minimum, this form must be updated annually in order for a client to continue service.

* Legal Assistance and Elder Abuse Services do not require these fields: Name, Address (Street, City, State, Zip) or Phone Number.



COMMONWEALTH of VIRGINIA
Department for the Aging

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Liz Riggs, M.P.A., Project 2025 Grant Coordinator

DATE: July 15, 2008

SUBJECT: Feb.17, 2009 - Help Virginia's Seniors Prepare for the Switch to Digital Television (DTV) - the DTV Transition and federal Coupon Program

What is the digital television transition?

On February 17, 2009, full-power broadcast television stations in the United States will stop broadcasting programming on analog airwaves and begin broadcasting only in digital. This important change will benefit consumers by offering better-quality viewing and more programming options. It will also free valuable spectrum for use by emergency responders.

For Americans, who already own a digital television or subscribe to cable, satellite or other pay service, the transition will have little or no impact. However, more than 13 million U.S. households rely exclusively on over-the-air broadcasts on their analog television sets.

Older Americans, minorities, rural residents, low-income individuals and people with disabilities are most likely to exclusively rely on analog TV broadcasts. These populations also tend to rely heavily on television to keep them informed in times of emergency and cannot afford to lose their connection to television broadcasts. These Americans must take action to continue receiving TV programming after February 17, 2009. The following information will help you prepare the seniors in your service area so they do not lose access to TV programming.

What is the TV Converter Box Coupon Program?

Congress created the TV Converter Box Coupon Program for households wishing to keep using their analog TV sets after February 17, 2009. The Coupon Program allows U.S. households to obtain up to two coupons, each worth \$40, which can be applied toward the cost of eligible

converter boxes which range in price from \$40 and \$70 each. Each coupon can go toward the purchase of a single set-top converter box that will allow Americans to continue watching FREE "over-the-air" television on an analog set.

To continue to receive TV programming as usual after the transition date February 17, 2009, Americans with analog television sets that receive broadcast over the air through "rabbit ears" or rooftop antennas **must make a change**.

One of the following three options must be done to prevent loss of TV programming:

1. **Purchase a TV converter box to keep using an existing analog TV.** A converter box plugs into the analog TV and will keep it working after Feb. 17, 2009 (coupon available),
2. **Purchase a new TV set with a digital tuner** that can receive digital broadcasts, or
3. **Sign up for Cable or Satellite Service or Other Pay Service.**

How Do Households Apply for the Converter Box Coupons?

For Americans who decide a converter box is their preferred option, each U.S. household is allowed up to two \$40 coupons to help pay the cost of up to two certified converter boxes. Until March 31, 2009, households can request coupons while supplies last in one of four ways:

1. **Apply online** at www.DTV2009.gov.
2. **Call the Coupon Program 24-hour hotline 1-888-DTV-2009 (1-888-388-2009).**
Operators will be available to take calls in 6 languages in addition to English: French, Russian, Simplified Chinese, Spanish, Tagalog, and Vietnamese.
Deaf or hard of hearing callers may dial 1-877-530-2634 (TTY).
3. **Mail a coupon application to: PO Box 2000, Portland, OR 97208-2000.**
4. **Fax a coupon application to 1-877-DTV-4ME2 (1-877-388-4632).**

Important Facts about the Converter Box Coupon Program

1. The converter box is a one-time cost.
2. The benefits of the converter box include a clearer picture.
3. The converter boxes are expected to cost between \$40 and \$70 (shop around for the best price). Americans using the coupon should expect to pay about \$10 to \$30 out of pocket expense, but this is a one-time cost.
4. Each U.S. household can receive up to two coupons.
5. Coupons will be mailed; do not purchase them off the street or the Internet.
6. There is a limited supply of coupons.
7. Coupons expire 90 days after they are mailed out and cannot be replaced.

More information about the Coupon Program can be found at: www.DTV2009.gov under FAQs.

What Are the Trusted Resources for Information about DTV and the Coupon Program?

❖ Government Web Sites

U.S. Government Official Coupon Program Web Site - www.DTV2009.gov

The Coupon Program Web Site is operated by the National Telecommunications and Information Administration (NTIA), the government agency responsible for the TV Converter Box Coupon Program. Its Web site is the authoritative source for information on the Coupon Program. Consumers can submit online coupon applications here and partners can find information and customizable materials on the Coupon Program.

Coupon Program 24-hour Call Center - 1-888-DTV-2009 (1-888-388-2009)

Consumers can request coupons by calling NTIA's toll-free phone number 24 hours a day, seven days a week. Assistance is available in six languages in addition to English: French, Russian, Spanish, Simplified Chinese, Tagalog, and Vietnamese. Deaf or hard of hearing callers may dial 1-877-530-2634 (TTY).

Digital Television Transition Web Site - www.dtv.gov

The Digital Television Transition Web Site is sponsored by the Federal Communication Commission (FCC), the government agency responsible for the digital TV transition. Its web site has information on the digital TV transition in general, including a DTV shopper's guide and a list of Frequently Asked Questions.

Digital Television Transition Toll-free Number

1-888-CALL-FCC (1-888-225-5322), or

1-888-TELL-FCC (1-888-835-5322 for deaf or hard of hearing callers)

❖ Private Industry Web Sites

DTV Transition Coalition - <http://www.dtvtransition.org>

National Association of Broadcasters - <http://www.dtvanswers.com>

Consumer Electronics Association - <http://www.DigitalTips.org>

National Cable & Telecommunications Association- <http://www.getreadyfordigitaltv.com>

What Materials are Available about DTV and the Coupon Program?

The following materials (in English and Spanish) about DTV Transition are available from the DTV2009.gov web site under "Our Partners and Links" <https://www.dtv2009.gov/Partners.aspx>.

For your convenience, links to the most relevant materials are included.

- **Coupon Application:** PDF copy of the official coupon application that can be placed on partner Web site or printed for hard copy distribution. Also in tri-fold brochure format
https://www.dtv2009.gov/docs/Coupon_Program_App_en.pdf
https://www.dtv2009.gov/docs/Tri_Fold_Brochure_en.pdf
- **Know Your Options Fact Sheet:** A step-by-step guide to help consumers determine what they need to do to navigate the transition.
https://www.dtv2009.gov/docs/MessageTree_en.pdf
- **Coupon Program Fact Sheet and Mail Stuffer:** How to apply for a coupon, what you will receive with your coupon and where to use coupons.
https://www.dtv2009.gov/docs/FactSheet_en.pdf
https://www.dtv2009.gov/docs/BillStuffer_en.pdf
- **Poster:** Basic information about the Program with space to write in local event information.
https://www.dtv2009.gov/docs/Poster_en.pdf
- **PowerPoint Presentation:** Introduction to the Program for use during local presentations.
https://www.dtv2009.gov/docs/TrainingSlideshow_en.ppt
- **Partner Toolkit:** A complete guide to DTV transition and the coupon program.
https://www.dtv2009.gov/docs/Toolkit_en.pdf
- **Newsletter Articles:** A short and a long ready-for-print article with background information on the Coupon Program. Either version can be placed in your newsletter, e-mail communication or on your Web site.
https://www.dtv2009.gov/docs/ShortArticle_en.pdf
https://www.dtv2009.gov/docs/LongArticle_en.pdf

FAQs About DTV Transition and the Converter Box Coupon Program	
Who is Affected by the Transition	After February 17, 2009, all full-power television stations will broadcast only in digital. If you use “rabbit ears” or a rooftop antenna with your analog television you must take action to continue receiving television broadcasts after February 17, 2009.
Consumer Options	Consumers have three options to keep receiving television broadcasts after February 17, 2009: <ol style="list-style-type: none"> 1. Buy a converter box that will plug into your analog TV. 2. Buy a TV with a digital tuner. 3. Connect your analog TV to cable, satellite or other pay service.
Converter Boxes	A converter box is a one-time purchase that will allow you to use your analog TV after February 17, 2009. Certified TV converter boxes are expected to cost between \$40 and \$70.
Coupon Program	The Federal Government is offering U.S. households up to two \$40 coupons to help with the cost of certified converter boxes. <ul style="list-style-type: none"> o Coupons are free, but supply is limited. o Coupons expire after 90 days and cannot be reissued. Coupons will be mailed to you from the federal government. o Converter boxes usually range in cost from \$40 to \$70. Consumers using a \$40 coupon should expect to pay \$10 to \$30 out of pocket expense for a converter box. This is a one-time cost, but consumers are encouraged to “shop around” for the best price to reduce out of pocket costs. o The coupon will look and work like a plastic gift card. With your coupons you also will receive instructions for using the coupon, a list of coupon eligible certified converter boxes, a list of retailers where you can use the coupon, and frequently asked questions about the Program.
More Information and Application	For more information or to request your coupons: <ul style="list-style-type: none"> o Call 1-888-DTV-2009 (1-888-388-2009) o Deaf or hard of hearing callers may dial 1-877-530-2634 (TTY). o Visit online at www.DTV2009.gov o Apply by mail at PO Box 2000, Portland, OR 97208, o Fax 1-877-DTV-4ME2 (1-877-388-4632).

Source: *3.3 Partner Tool Kit (p.10)* available in the Partner section of www.DTV2009.gov.

COMMONWEALTH of VIRGINIA
Department for the Aging

MEMORANDUM

TO: Directors,
Area Agencies on Aging

FROM: Bill Peterson

DATE: July 15, 2008

SUBJECT: Guidance Documents Re-Issued

Attached are two updated guidance documents: 1) *Guidelines for A Client Grievance Procedure or Appeals Process For Services Provided Under The Older Americans Act* (updated 7/08), and 2) *Basic Guidelines for Client Record-Keeping* (also updated 7/08). These documents are sent to you as guidance only. We have made some minor adjustments and clarifications to each of these documents. For example, in the Grievance/Appeals Process document we have added the possibility that your agency may wish to consider offering clients and families an informal meeting with the director or an optional arbitration process rather than a full blown appeals hearing.

By re-issuing these documents, I am hoping that it will encourage you to review your policies to ensure that they provide sufficient guidance for your staff. It would also be a good time to have your board and attorney review your policies in the area of appeals and client record keeping.

Attachments

1610 Forest Avenue, Suite 100, Richmond, Virginia 23229
Toll-Free: 1-800-552-3402 (Voice/TTY) · Phone: 804-662-9333
Fax: 804-662-9354
E-mail: aging@vda.virginia.gov · Web Site: www.vda.virginia.gov

GUIDELINES FOR A MODEL CLIENT GRIEVANCE PROCEDURE OR APPEALS PROCESS FOR SERVICES PROVIDED UNDER THE OLDER AMERICANS ACT

A. BACKGROUND

Section 306(a)(10) of the federal Older Americans Act (as amended in 2006) requires each Area Agency on Aging (AAA) to “provide a grievance procedure for older individuals who are dissatisfied with or denied services under this title”.

The 2006 version of the Older Americans Act can be found at the VDA website under Provider Information (go to “Additional Information”):

<http://www.vda.virginia.gov/pdfdocs/OAA%202006%20ADA%20-%20VDA.pdf>

Section 307(a)(5)(B) of the Act also requires that the State Unit on Aging issue guidelines to AAAs regarding grievance procedures. The requirement that the State Unit provide this guidance first appeared in the 1992 amendments to the Act. At that time, VDA provided “Guidelines for a Model Client Appeals Process for Virginia’s AAAs.” These guidelines were updated and sent again to AAAs in 2004. This version, dated July 2008, includes some additional modifications.

Although these guidelines represent “best practices,” they are guidelines only and are provided as a tool that each AAA, their governing board, and their attorney can use in reviewing their current client grievance/appeals process. As AAAs conduct this review, they should also refer to Section 314 of the Older Americans Act: *Rights Relating to In-Home Services for Frail Older Individuals* which includes “The right to voice a grievance with respect to such service that is or fails to be so provided, without discrimination or reprisal as a result of voicing such grievance. “

Any statement of written policy or procedure outlining a client grievance/appeals process must be approved by the AAA governing board as a condition of the contract with VDA.

B. CONCEPT OF DUE PROCESS

These guidelines for a client grievance procedure or appeals process are based on the concept of “due process.” Due process requires the implementation of specific procedures intended to assure fairness in decision making. Due process, as embodied in a AAA client grievance/appeals policy, assures older clients and their families that their complaint will be considered fairly and in a timely manner by the AAA, regardless of its ultimate legitimacy. Due process should be assured each time a client is denied a service, or each time services are reduced, suspended, or terminated.

C. ELEMENTS OF A CLIENT GRIEVANCE/APPEALS PROCESS

The denial, reduction, suspension, or termination of services can be a difficult decision for the AAA and may create confusion, fear, and sometimes anger for the client and their family. A formal grievance process allows the client and family to have an

opportunity for their concerns to be heard. To ease the impact of a change in service and to help reduce the number of appeals, AAAs should prepare clients and their families in advance (if at all possible) for any reduction or termination of services. AAAs should have a policy that requires supervisory review before any adverse action is initiated by a staff member.

The following elements should be considered for inclusion in a model AAA client grievance/appeals process:

1. **Notification of a Grievance/Appeals Process** – Clients should be told that the AAA has an appeals process. All clients should be given step-by-step instructions, in writing, as to how they can initiate an appeal. This should be done when clients initially apply for services and again when an adverse action is taken. AAAs should make every effort to have this information available in a format which is concise, uses large print, is in a language the client understands, and is generally “user friendly.” AAA staff should discuss the process with every client.
2. **Notice of Adverse Action** – The AAA should provide each client with a written notice of the denial of any service, the reduction of any service, the suspension of any service, or the termination of any service. This notice should include step-by-step instructions on how to initiate an appeal. AAA staff should make a follow-up telephone call or visit to see if the client understands the planned adverse action and their right to appeal. Staff should offer their assistance to clients with initiating an appeal if requested.
3. **Optional Opportunity for an Informal Meeting** – The AAA may offer clients and families with a grievance the opportunity to meet with the AAA director (or other senior staff) to discuss the grievance. This provides an opportunity to discuss agency policy, clear up misunderstandings, explain procedures, and perhaps avoid continuing with the formal grievance/appeals process.
4. **Continuation of Services Pending Appeal** – Except in those cases where services are denied, or where services are reduced, suspended, or terminated due to lack of funds, AAAs should continue providing services pending the outcome of the hearing. The Notice of Adverse Action should inform the client that services will continue unchanged until a decision is reached on their appeal. An exception may be made when the health, safety, and welfare of AAA (or contractor) staff is threatened if the services were to continue.
5. **Fair Hearing** – A timely fair hearing is a key element in a client grievance/appeals process. The process should spell out time frames for the client to file an appeal and for the agency to conduct a hearing and

issue a decision. The following components will help assure a fair hearing for a client:

Representation: The client should be offered the right to be represented by a friend, an advocate, or attorney [The AAA is under no obligation to find an attorney for the client or to pay for the services of an attorney].

Impartial hearing officer: The client's appeal should be heard by someone other than the person who made the decision denying, reducing, suspending, or terminating the service. The AAA may enlist the services of an impartial and knowledgeable person from another organization or agency to act as a hearing officer.

Information: The client, and/or their chosen representative, should have access to information regarding the case prior to the hearing. If requested, the AAA should share the case record, intake evaluation form, eligibility determination form, or other paperwork which was used to make the decision regarding the denial, reduction, suspension, or termination of services. AAAs should also share their policies regarding the eligibility and operation of the service (or services) involved in the adverse action.

Note that Virginia's *Government Data Collection and Dissemination Practices Act* (§2.2-3800-3809) provides guidelines for collecting, maintaining, protecting, and releasing personal information. This Act specifically states that an organization must have a written procedure for an individual to review, as well as recommend corrections to, the information in his or her record. These guidelines are also consistent with the privacy requirements found in *HIPAA*.

Face-to-face discussion: The client, and/or their chosen representative, should be present during the hearing. AAA staff who have information or knowledge of the client's case should also be available. Hearings may have to be conducted in the homes of extremely frail or physically impaired clients. Special efforts should be made to assure effective communication with deaf clients or clients who speak a foreign language. Telephone hearings may be used only in extreme circumstances when the agency has determined that it is not feasible to conduct a face-to-face hearing.

Written notice of decision: The client should be given written notice of the appeals decision. Hearing decisions should be rendered in a timely manner and written notice provided to the client as quickly as possible in accordance with written agency policy.

6. **Optional Opportunity for Further Appeal** – AAAs may consider offering clients who remain dissatisfied with the outcome of their appeal a second level of appeal. This would be an appeal to the AAA Board or, preferably, to some outside entity. VDA is not in a position to hear AAA client appeals. You may, however, be able to work out a mutual agreement with another community agency or organization that would act as the final appeal venue for those clients who continue to be dissatisfied with the outcome. This second level of appeal should include the components listed in #5 above.

7. **Optional Arbitration** - AAAs may wish to offer clients the opportunity to participate in an arbitration process. Arbitration allows parties to resolve disputes without going through the formal appeals process. An impartial arbitrator hears both sides of the grievance and decides if the action by the agency is appropriate or if the client has been treated unfairly. When the arbitration is over, the decision of the arbitrator is final and not subject to further appeal. AAAs should consult with their attorney to develop an arbitration process and have the process approved by their governing board.

8. **Internal Review of Grievance/Appeals Process** – AAAs should conduct an internal review of their appeals process after each appeal. This is a review of the process, not the decision. Reviewers should determine if the AAA adhered to their appeals process and correctly followed the steps outlined therein. This review could result in changes to the process and to the AAA's policy. The AAA board of directors, perhaps through a standing or ad hoc committee, can serve this purpose. This committee may also choose to include members of the AAA advisory council to assure that a broad perspective is brought to the review.

Basic Guidelines for Client Record-Keeping

Why Is It Important To Keep Accurate Client Records?

Ultimately, accurate client records enhance the agency's ability to intervene effectively on behalf of the client to meet his/her needs. Records are, above all, a documentation of eligibility and service provision. An agency should be able to turn to its records and identify who has been served, why they were eligible to receive services, what services were provided, and the outcomes of those services. This kind of record-keeping is also essential to identify the "best practices" of the agency and to learn about which services are working and which ones are not.

Client records assure continuity of service if properly maintained and routinely updated. Thus, if a worker is out sick, absent, or on vacation, or should resign suddenly, the agency will be able to pick up where the worker left off. The supervisor or another worker will be able to provide assistance to a particular client or to justify or explain the nature of the agency's involvement with that client. Cases may also be transferred from worker to worker or be opened or closed several times. The existence of an accurate client record can prevent duplication of effort, save time, and result in more effective provision of services to the individual client.

Client records provide the supervisor with a tool for keeping track of worker activity and for providing case guidance. Record review is also a means of assessing the kind and quality of services being provided. Accurate client records will facilitate on-going service delivery and improve client interventions.

Finally, HIPAA, FOIA, and other federal and state laws regarding records, privacy, and accountability often guarantee client access to their records. This has also resulted in increased media and public attention being paid to individual files and records. This means that client records may come under increased scrutiny during a client appeals proceeding, a lawsuit, a HIPAA-related complaint or request, or during monitoring/auditing visits.

What Is Included In A Client Record?

Accurate client record-keeping should attempt to achieve three goals: accountability, efficiency, and privacy. The worker should fully document information about the reasons for professional decisions and actions, the type of services or actions delivered, and the consequences of the decisions and services.

It is important to remember that information about the client's situation should only be recorded if it is clearly relevant to service delivery. This includes information that demonstrates why services were offered, how these services were delivered, and the impact of the services (you may also want to refer to HIPAA guidance on client records). Any other information about the client's

situation may not be relevant, may invade the client's right to privacy, is time-consuming, and may "come back to haunt" the worker and agency during a client appeals proceeding, lawsuit, or HIPAA-related complaint or request.

A record should document eligibility, decisions, barriers/challenges, and service provision through time. Workers should carefully review the Service Standard for each service provided to be sure that the client record includes all the elements required by the Service Standard.

During the initial phase of service, the record should include:

- 1) The reason for the service request or referral.
- 2) An assessment of eligibility and description of the client's situation.
- 3) Available resources.
- 4) Services to be provided.
- 5) Referrals to other resources, if any.
- 6) Anticipated barriers, challenges, or problems, if any.

Once services have begun to be provided (or a care contract has been developed), the record should include:

- 1) Ongoing worker and client decisions regarding services.
- 2) The purpose and goals of the services.
- 3) A care plan (if part of the agency's procedures).
- 4) Ongoing service activities.
- 5) An assessment of the impact of the service.

Once a decision to terminate services has been made, the record should include:

- 1) The reason for termination.
- 2) Documentation that the client was given information about their right to appeal the decision.
- 3) An evaluation of the impact the service has made on the client's situation.
- 4) Plans for future service, if any.
- 5) Follow-up plans, referrals, etc., if any.

How Should Client Records be Maintained?

Accurate records are updated on a regular (routine) basis. A schedule for updating client records should be developed by the agency.

Records should be maintained in a neat and professional manner. The use of pencil and "sticky notes" is discouraged. Abbreviations should be used with caution. The agency should consider developing a list of approved abbreviations for use by all workers. This list of abbreviations could be attached to the inside cover of each client record, for example. This would allow anyone who is reviewing the record to "translate" your abbreviations.

Errors in records should be corrected and corrections should be initialed and dated by the worker who makes the correction. This provides a record of who made the correction and when it was done. Note that it is a commonly accepted practice that corrections should be made by drawing a line through the incorrect information. Incorrect information should never be erased or otherwise deleted. "White-out" (or correction fluid) should never be used for correction purposes. Remember that client records may, at some future point in time, be scrutinized during a client appeals proceeding, lawsuit, or HIPAA-related complaint or request. Your records should never give the appearance that information has been removed or tampered with.

Finally, AAAs are encouraged to develop their own policies and procedures on client record-keeping that incorporate these guidelines. AAAs should also address how often records are updated as well as record security, record retention, and record disposal.

Client Record-Keeping “Quick Reference Sheet”

- Records are a documentation of eligibility and service provision.
- Accurate records should be updated on a regular (routine) basis.
- Client records may come under increased scrutiny during a client appeals proceeding, a lawsuit, a HIPAA-related complaint or request, or during monitoring/auditing visits.
- Records should be maintained in a neat and professional manner.
- The use of pencil or “sticky notes” in records is discouraged.
- Abbreviations should be used with caution. AAA should develop a standard list of abbreviations.
- Errors in records should be corrected and corrections should be initialed and dated by the worker who makes the correction. Corrections should be made by drawing a line through the incorrect information. Incorrect information should never be erased or otherwise deleted and “white-out” (or correction fluid) should never be used for correction.
- The Service Standard for each service provided should be reviewed to insure that the client record includes all the elements required by the Service Standard.
- Records should not contain information about the client’s situation that is irrelevant, that invades the client’s right to privacy, or that may “come back to haunt” the worker and agency during a client appeals proceeding, lawsuit, or HIPAA-related complaint or request.
- Records should include the following information:
 - The reason for the service request or referral.
 - An assessment of eligibility and description of the client’s situation.
 - Available client resources.
 - Services to be provided.
 - The purpose and goals of these services.
 - Referrals to other resources, if any.
 - Anticipated barriers, challenges, or problems, if any.
 - Ongoing worker and client decisions regarding services.
 - A care plan (if part of the agency’s procedures).
 - Ongoing service activities.
 - The reason for service reduction or termination.
 - Documentation that the client was given information about their right to appeal the reduction or termination decision.
 - An evaluation of the impact the service has made on the client’s situation.
 - Follow-up plans, referrals, etc., if any.