



Draft Amended State Plan for Aging Services

Virtual Public Hearing

April 11, 2025



Accessibility & Engagement

- This Virtual Public Hearing includes the following accessibility and engagement features:

- Through a Third-Party Captioning Services
- Click “Show Captions” on the Zoom Menu Bar

Real-Time
Captioning



- There are 2 ASL Interpreters
- Automatically Spotlighted for All Attendees

ASL
Interpretation



- **Chat** to Make Comments
- **Q&A** to Submit Questions or Make Comments
- **Raise Hand** to Request the Ability to Verbally Speak
- **Reactions** to Share Quick Emotions or Input

Engagement
Options





Planning: Why It Matters

Background

A Look at the Numbers



10,000 Americans turn 65
everyday



By 2060, nearly 1 in 4
Americans is projected to be
an older adult



Seniors volunteer, vote, and
donate to charity at higher
rates than any other
generation



1 in 3 seniors is economically
insecure, with higher rates
among women and people of
color



Nearly 95% of seniors have
at least 1 chronic health
condition



2.5 million grandparents
report taking care of
grandchildren's needs

Current State Plan



Covers the Period of Federal Fiscal Years (FFY) 2024 – 2027

Older Americans Act (OAA) Requirements with Federal Agency Approval

Additional State-Level Requirements, Approval, and Reporting

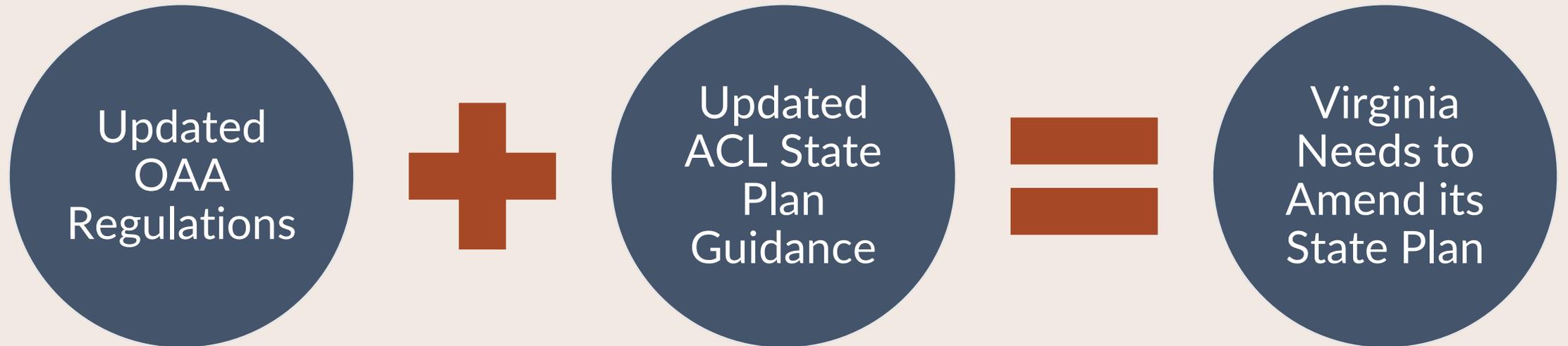
Development Included a Robust Needs Assessment, Stakeholder Engagement Process, and Public Comment Period

[42 USC § 3027](#)

Administration for Community Living (ACL) [Guidance for State Plans \(2021\)](#)

[§ 51.5-136](#) of the Code of Virginia

What's Changed



Older Americans Act (OAA) regulations ([45 CFR Part 1321](#)) and new ACL State Plan Guidance ([OMB # 0985-0083](#))

Compliance Actions



- DARS is hoping to avoid a Corrective Action Plan (CAP) for the Virginia State Plan for Aging Services

To avoid a CAP, DARS must:

June 1: Submit Draft Amended State Plan to the ACL Regional Administrator

July 1: Submit a Final Amended State Plan to ACL Central Office



Tasks that must be completed before June 1:

Conducting a 30-day Public Comment Period

Hosting a Public Hearing

Amended State Plan Timeline



WE ARE HERE



AAA = Area Agency on Aging
DARS = Department for Aging and Rehabilitative Services

ORM = Office of Regulatory Management
SHHR = Secretary of Health and Human Resources

Timeline Continued



ACL = Administration for Community Living



What's Changing?

An Overview

Key Sections in the State Plan



Verification of Intent

Narrative Background

Goals, Objectives, Strategies, & Measures

Attachment A: Assurances

Attachment B: Information Responses

Attachment C: Intrastate Funding Formula

Amendments Required

No Updates

- Body of the Plan (including Goals, Objectives, Strategies, & Measures)
- Attachment C: Intrastate Funding Formula

Logistic Updates

- Cover Page
- Table of Contents
- [Remove Appendix 6]

Minor Updates

- Letter from the Secretary
- Letter from the Commissioner
- Verification of Intent
- Attachment A: Assurances
- New Attachment D: Geographic Service Boundaries (remove Appendix 6)

Substantive Updates

- **Attachment B: Information Requirements**
- New Attachment E: Evidence of Public Comment

Attachment B: Existing



- The following prompts have not changed, but DARS needs to update our responses:
 - Low Income Minority Older Adults
 - Rural Areas – Hold Harmless
 - Rural Areas – Needs and Fund Allocations
 - Assistive Technology
 - Minimum Proportion of Funds
 - Assessment of Statewide Service Delivery
 - Emergency Preparedness Plans: Coordination & Development
 - Emergency Preparedness Plans: Involvement of the Head of the State Agency

Attachment B: Revised



- The following prompts have been revised and DARS will need to update our responses:
 - Greatest Economic and Greatest Social Need
 - Activities to Increase Access and Coordination for Older Native Americans
 - Funding Allocation – [LTC] Ombudsman Program

Attachment B: New



- The following prompts have been added and DARS needs to prepare new responses:
 - Native Americans: Greatest Economic and Greatest Social Need
 - Grab & Go Meals
 - Funding Allocation – Elder Abuse, Neglect & Exploitation
 - Monitoring of Assurances
 - State Plans Informed by and Based on Area Plans
 - Public Input and Review
 - Program Development and Coordination Activities (PDCA)
 - Legal Assistance Developer



Greatest Economic and Social Needs

Targeting, Eligibility, and Prioritization

OAA GEN & GSN



- Older Americans Act (OAA) Statute:
- (23) The term “greatest economic need” means the need resulting from an income level at or below the poverty line.
- (24) The term “greatest social need” means the need caused by noneconomic factors, which include—
 - (A) physical and mental disabilities;
 - (B) language barriers; and
 - (C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that—
 - (i) restricts the ability of an individual to perform normal daily tasks; or
 - (ii) threatens the capacity of the individual to live independently.

Source: [42 USC § 3002](#)

2024 OAA Final Rule: GEN



- OAA Final Rule Definition:
- Greatest economic need, as used in this part, means the need resulting from an income level at or below the Federal poverty level and as further defined by State and area plans based on local and individual factors, including geography and expenses.

Source: [45 CFR § 1321.3](#)

2024 OAA Final Rule: GSN



- 45 CFR § 1321.3 Greatest Social Need:
- Greatest social need, as used in this part, means the need caused by noneconomic factors, which include:
 - (1) Physical and mental disabilities;
 - (2) Language barriers;
 - (3) Cultural, social, or geographical isolation, including due to:
 - (i) Racial or ethnic status;
 - (ii) Native American identity;
 - (iii) Religious affiliation;
 - (iv) Sexual orientation, gender identity, or sex characteristics;
 - (v) HIV status;
 - (vi) Chronic conditions;
 - (vii) Housing instability, food insecurity, lack of access to reliable and clean water supply, lack of transportation, or utility assistance needs;
 - (viii) Interpersonal safety concerns;
 - (ix) Rural location; or
 - (x) Any other status that:
 - (A) Restricts the ability of an individual to perform normal or routine daily tasks; or
 - (B) Threatens the capacity of the individual to live independently; or
 - (4) Other needs as further defined by State and area plans based on local and individual factors.

Virginia Statute Definitions



- Virginia Law includes the following:
 - "Economic need" means the need resulting from an income level at or below the poverty line.
 - "Social need" means the need caused by noneconomic factors, including (i) physical and mental disabilities, which include developmental disabilities and human immunodeficiency virus; (ii) language barriers; and (iii) cultural, social, or geographic isolation, including that which is related to a history of discrimination for factors such as racial or ethnic status, gender identity, gender expression, or sexual orientation that can affect an individual's ability to perform normal daily tasks or threatens such individual's capacity to live independently.

Source: [§ 51.5-134](#) of the Code of Virginia

Virginia Statute Application



- Virginia Law further requires the following:
 - The Department shall use available resources to provide services to older persons with economic needs and those with social needs. In allocating resources to provide aging services, the Department (i) shall prioritize providing services to those with the greatest economic need and (ii) among individuals with comparable levels of economic need, may prioritize providing services to individuals with the greatest social need.

Source: [§ 51.5-135 A](#) of the Code of Virginia

OAA Final Rule Activities

Targeting

- Think outreach and engagement activities
- Who really needs OAA services and how do we make them aware of the available services and how to access them?

Eligibility

- Think qualifying for a service or minimum eligibility criteria to receive a service
- Which older adults qualify for/are eligible to receive the OAA service?

Prioritizing

- Think about prioritizing certain older adults in the delivery of OAA services
- With limited funding, which eligible older adults will be prioritized for the service?

Attachment B: Identifying



- Context: : While there are differences in phrasing between the OAA Statute, OAA Final Rule, and Virginia Statute, there are no conflicts
- Response: DARS adopts the OAA statutory and ensuing regulatory definitions for GEN and GSN

Attach B: Targeting (Outreach)



- Context: This included how DARS and the AAAs will target (i.e., engage in activities to reach) GEN and GSN populations
- Response: Examples –
 - Weldon Cooper Aging Data Dashboard ([Link](#))
 - DARS & AAAs: General outreach and programming efforts
 - DARS & AAAs: Tribal engagement and collaboration
 - DARS & AAAs: Through workgroups, taskforces, and advisory boards
 - DARS & AAAs: Collaboration with other agencies and organizations
 - AAAs through Area Plans

Attach B: Prioritizing



- Context: § 51.5-135 of the Code of Virginia
- Response: Virginia's aging network follows a standard prioritization for receipt of OAA services and placement on any potential waiting lists as follows:
 - 1. First, individuals who have GEN and have one or more GSN
 - 2. Second, individuals who have a GEN only
 - 3. Third, individuals who have one or more GSN only
- Leading up to the development of the next State Plan for Aging Services, DARS will:
 - Consider and review AAA prioritization approaches that best meet the needs of the AAA's PSA and align with the operations of the AAA and its ensuing services, and
 - Consult with AAAs on prioritization process and consider further refining and testing modeling options to ensure that the intent of the OAA is preserved and maximize

Attach B: Evaluating

- Context: This is an area that needs to be beefed up; the strategies outlined below mirror efforts underway in other states
- Response: DARS will –
 - Cross-reference Weldon Cooper Aging Data Dashboard population data and AAA client demographic data
 - (1) Pull a statewide sample annually to identify alignment and address potential gaps on a statewide level
 - (2) During AAA monitoring, review the PSA's population data and the AAA's client demographic data to identify alignment and address potential gaps
 - AAA Area Plans will also cover enhanced content on targeting and serving individuals with GEN and GSN



Grab & Go Meals

Background and Decision

Level Setting: OAA Title III-C



C1: Congregate Meals

- Establishment and operation of congregate sites that provide at least one hot or other appropriate meal per day on 5 or more days a week (except in rural areas when not feasible and under a waiver)

C2: Home-Delivered Meals

- Establishment and operation of HDM program that provides at least 1 HDM per day, which may consist of hot, cold, frozen, dried, canned, or fresh foods, on at least 5 or more days a week (except in rural areas when not feasible and under a waiver)

Source: Older Americans Act (OAA), [42 USC § 3030e](#) and [42 USC § 3030f](#)

Grab & Go Allowances

C1: Congregate Meals

- Federal regulatory and funding cap restrictions/limitations apply
- State Plan & Area Plan requirements must be met

C2: Home-Delivered Meals

- Permitted with no restrictions/limitations

Source: [45 CFR § 1321.87\(a\)\(1\)\(ii\)](#)

Grab & Go Meals – Defined



- **Definition:** includes **shelf-stable**, pick-up, carry-out, drive-through, or similar meals provided under Title III-C1
- **Funding Cap:** Grab & Go Meals provided shall not exceed 25% of the funds expended by the State agency or any AAA under Title III, part C-1, to be calculated based on the amount of Title III, part C-1 funds available after all transfers are completed
 - The SUA has a funding cap, and each AAA has their own funding cap
- **Allowance Applications:** Such meals can be provided to complement the congregate meal program:
 - (A) During disaster or emergency situations affecting the provision of nutrition services;
 - (B) To older individuals who have an occasional need for such meal; and/or
 - (C) To older individuals who have a regular need for such meal, based on an individualized assessment, when targeting services to those in greatest economic need and greatest social need; and

Source: [45 CFR § 1321.87\(a\)\(1\)\(ii\)](#)

State Plan Amendment



- The practical reality is DARS still does not know enough about Grab & Go, including:

ACL's Interpretation or Application of the Regulatory Requirements

- Still new
- All states are trying to figure this out

Minimal Reporting Data is Available from the AAAs on Current Use

- Too short of a data collection period
- Not enough data

Virginia's Decision



Given the information we have at hand now, DARS intends to permit Grab & Go using III C-1 (Congregate Meals) funds for:

- (A) During disaster or emergency situations affecting the provision of nutrition services, and
- (B) To older individuals who have an occasional need for such meal

Lacking adequate information and evidence to complete the State Plan requirements, DARS will not allow Grab & Go using III C-1 funds (at least for now) for:

- (C) To older individuals who have a regular need for such meal, based on an individualized assessment, when targeting services to those in greatest economic need and greatest social need
- This can be re-evaluated over the next two years in preparation for the submission of Virginia's 2027-2031 State Plan for Aging



Program Development and Coordination Activities (PDCA)

Background and Decision

PDCA: Defined



- Program Development and Coordination Activities (PDCA)
- Defined: “Means those actions to plan, develop, provide training, and coordinate at a systemic level those programs and activities which primarily benefit and target older adult and family caregiver populations who have the greatest social needs and greatest economic needs, including development of contracts, commercial relationships, or private pay programs.”
- “Direct services exclude State or Area Plan Administration and PDCA.”

Source: [45 CFR § 1321.3](#)

PDCA: Contextualized

Can Be or Includes:

- Development of Pay Programs
- Development of AAA Contracts and Commercial Relationships (CCR)
- Exploring a new service that is not currently provided by the AAA
 - Costs associated with research, planning, and training needed in the lead up to “standing up” a new service
 - Example: Housing Navigation
- Exploring 5310 transportation grants



When It Matters:

When OAA Title III-B Funds are Used to Support It

Cannot Be or Does Not Include:

- OAA Direct Services
 - PDCA is not a direct service under the OAA
- Area Plan Administration (APA)
 - APA deals with the implementation of OAA programs and specifically the development and delivery of OAA direct services
 - PDCA goes beyond what is entailed in APA

If an AAA uses non-OAA funds for PDCA: It is permissible, and the OAA Final Rule PDCA restrictions or parameters don't apply.

PDCA Options



- If a State does allow Title III-B funds to be used for PDCA:
 - The Amended State Plan and each Area Agency on Aging's Area Plan would need to include the details of those actions
- If a State does not allow Title III-B funds to be used for PDCA:
 - The Amended State Plan would indicate that the State Unit on Aging (i.e., DARS) will only permit Title III-B funds to be used for Area Plan Administration and direct services, and Title III-B funds cannot be used for PDCA.

Virginia's PDCA Decision



Virginia will not permit III-B funds for PDCA

- This is noted in the draft amended State Plan for Aging Services Attachment B
- There is always the potential to re-evaluate and switch to allow for PDCA using III-B funding for the next State Plan.



We Want to Hear from You!

Providing Public Input

Public Comment Period



DARS is hosting a 30-Day Public Comment Period on the draft amended State Plan from March 24 to April 23, 2025

- To make a public comment via the Town Hall website, please visit: <https://townhall.virginia.gov/L/GDocForum.cfm?GDocForumID=2688>
- Written public comments may also be submitted:
 - Via Mail: DARS, C/O Charlotte Arbogast, 8004 Franklin Farms Drive, Henrico, VA 23229
 - Via Email: StateAgingPlan@dars.virginia.gov
 - Via Fax: (804) 662-7663



DARS Materials & Promotion



- More information about the Draft Amended State Plan for Aging Services and the public input process is posted on the State Plan webpage here: <https://vda.virginia.gov/stateplans.htm>
- DARS will be promoting the public input process through:
 - Division for Aging Services e-newsletter
 - DARS' social media
 - DARS Aging Advisory Boards
 - Direct email distribution to interested groups



Help Get the Word Out!

- Please help us distribute information about the public input process
- You can use our handout!

A handout graphic with a red and orange background. At the top left is the DARS logo (Virginia Department for Aging and Rehabilitative Services) and the text 'Speak up'. Below this is the title 'Public Comment Open for Virginia's Amended State Plan for Aging Services'. An illustration shows a young woman in a yellow shirt reading a book to an elderly woman in a red shirt who is holding a white cat. The text below the illustration states: 'The Virginia Department for Aging and Rehabilitative Services has released draft amendments to the State Plan for Aging Services to align it with updated federal Older Americans Act regulations. The amendments address key areas, including Grab and Go meals and Program Development and Coordination Activities. DARS is hosting a 30-day Public Comment Period from March 24 to April 23, 2025. Public comments can be submitted online, via email, mail, or fax. DARS is also hosting a Virtual Public Hearing on April 11, 2025, from 1:00 - 3:00 PM. Live captioning and ASL interpretation will be available. To learn more about the amended State Plan for Aging Services and the public input process, scan the QR code or visit: vda.virginia.gov/stateplans.htm'. A smaller QR code is located on the right side of the handout. At the bottom right, it says 'QUESTIONS? 804-662-7093'.

Don't Forget!

Virginia Governor's Conference on Aging

May 19-20, 2025

Williamsburg, Virginia

www.vgcaging.com

We hope to see you there!

