

ARKANSAS REGISTER

Transmittal Sheet

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

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Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

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Emergency (ACA 25-15-204)

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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

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Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

Phone Number

E-mail Address

Title

Date

310.000 Arkansas Family Caregiver Support Program 1-1-17

Each Area Agency on Aging (AAA) shall establish vendor agreements and/or contracts with community-based organizations to provide multifaceted systems of support services, including counseling, support groups, respite, and other home and community-based services to families caring for their frail older members. The Arkansas Family Caregiver Support Program (AFCSP) also recognizes the needs of grandparents, who are caregivers of grandchildren, and to older persons, who are relative caregivers of children age 18 and younger. An AAA may provide such services **directly** by requesting a waiver from DAAS in accordance with DAAS Policy 201. The approval of such waiver will be at DAAS's sole discretion.

310.010 Purpose 1-1-17

The purpose of this policy is to establish administrative and service delivery standards for the Arkansas Family Caregiver Support Program.

310.011 Scope 1-1-17

This policy applies to all AAAs and their subcontractors who provide Family Caregiver Support Services.

310.012 General Authority 1-1-17

The authority for this Section is Sections 371, 372, 373, and 374 of the Older Americans Act of 1965, as amended [P.L. 106-501], Grants for State and Community Programs on Aging.

310.100 Definitions 1-1-17

Area Plan — AAA's plan of operation which has been approved by the Division of Aging and Adult Service (DAAS).

Subcontractor — An entity that is awarded a contract from an AAA to provide designated services under the Area Plan.

Elderly client — An eligible (60 years of age or older) elderly individual who receives OAA services.

Child — An individual who is not more than 18 years of age or who is an individual with a disability.

Family Caregiver — An adult family member or another individual, who is an informal provider of in-home and community care to an older individual.

Informal Provider — Care is not provided as part of a public or private formal service program.

Grandparent or Older Individual who is a Relative Caregiver — A grandparent or step-grandparent of a child or a relative of a child by blood, marriage, or adoption who is 55 years of age or older; and

- A. Lives with the child;
- B. Is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and
- C. Has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

310.200 Procedural Requirements 1-1-17

310.201 Responsibilities of the Division of Aging and Adult Services 1-1-17

- A. Designate a coordinator to implement and oversee program development of AFCSP statewide;
- B. Develop and maintain consistent standards and mechanisms for AFCSP to be implemented statewide. These standards and mechanisms shall be used to assure the quality of services provided in accordance with OAA, Administration on Community Living regulations and policies, and the U.S. Department of Health and Human Services policies and rules;
- C. Collect, maintain, and report information pertaining to AFCSP to the Assistant Secretary for Aging of the Department of Health and Human Services;
- D. Provide technical assistance as needed; and
- E. Assume quality assurance responsibilities for all caregiver programs to ensure compliance with standards, policies, and procedures of DAAS and OAA.

310.202 Responsibilities of Area Agency on Aging**1-1-17**

- A. Assess the needs of caregivers in the planned service area (PSA) to develop and submit an area plan (or update) reflecting local needs to DAAS outlining the services to be provided at least annually;
- B. Publicize AFCSP services to ensure that individuals throughout the PSA know about the availability of the services;
- C. Provide caregiver information and referral as well as screen individuals for caregiver support services;
- D. An assessment of need for each client should be performed and maintained in a client file. An in-home assessment will be completed on individuals whose screening indicates a need for respite or supplemental services;
- E. Arrange for the provision of individually needed family caregiver services directly and/or through local service providers;
- F. Maintain current database of programs and services, regardless of funding stream, which a person needing caregiver support services can access;
- G. Organize new and coordinate with existing caregiver support groups;
- H. Coordinate AFCSP with other programs and service systems serving persons with disabilities;
- I. Attend training planned by DAAS;
- J. Ensure appropriate program/financial reporting, billing, and budget reconciliation;
- K. Negotiate contracts and provide quality assurance program implementation;
- L. Compile, maintain, and report waiting lists of persons requesting caregiver services for which service is not available;
- M. Give priority for services to older individuals with greatest social and economic need, with particular attention to low-income older individuals, and older individuals providing care and support to persons with mental retardation and related developmental disabilities (as defined in 102 of the Developmental Disabilities Assistance and Bill of Rights Act {42 U.S.C. 6001});

- N. Give priority for services to family caregivers who provide care for individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction, as well as grandparents or older individuals who are relative caregivers of children with severe disabilities;
- O. AAAs are strongly encouraged to seek the input of regional Alzheimer's chapter(s), relevant and existing support groups, Cooperative Extension Service, and area mental health and community-based organizations providing various forms of assistance to family caregivers who provide informal in-home and community care to older individuals and to grandparents raising grandchildren in maintaining AFCSP in their region. Additionally, AAAs are encouraged to seek the input of family caregivers providing care to older adults and grandparents raising grandchildren on their service needs;
- P. The area plan must include a service budget for each category of service in the AAA's PSA;
- Q. AAAs will establish and maintain an adequate system for record keeping of persons served expenditures and waiting lists by categories established by OAA and DAAS; and
- R. An assessment of needs for each client will be performed and maintained in a client file.

310.203 Responsibilities of Service Providers**1-1-17**

- A. Each provider shall adhere to DAAS policies and procedures for programs on aging and shall provide services in accordance with AFCSP's policies and procedures;
- B. Each provider shall comply with all the provisions of the service descriptions as established by AAAs and DAAS;
- C. Attend training provided by DAAS or AAAs;
- D. Each provider shall maintain financial records in accordance with standard accounting procedures and comply with all applicable State and Federal regulations;
- E. Each provider shall maintain and submit program data and statistics as required by AAAs; and

- F. Forms utilized by providers shall include all information required by AAAs and DAAS.

310.204 Eligibility for Caregiver Services

1-1-17

- A. Family caregivers who are adult family members or other individuals providing informal in-home and community care to an older individual (60 years of age or older) who is “frail” and determined to be functionally impaired because of:
1. An inability to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or
 2. Due to cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to others.
- B. In the case of a family caregiver of an older individual, respite care and supplemental services under AFCSP shall be provided only if the care recipient is functionally impaired and meets either of the following conditions:
1. An inability to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or
 2. Due to cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to others.
- C. Services may be provided by grandparents or older individuals who are a relative caregiver of a child by blood, marriage, or adoption who is 55 years of age or older, and who:
1. Lives with the child; **and**
 2. Is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; **and**
 3. Has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

310.205 Service Components of the AFCSP**1-1-17**

The five service categories for caregiver services are:

- A. **Information** provided to caregivers about available services, including public education and provisions of information at health fairs and other similar designations as determined by the State. Included in the definition of information is “**outreach**”, defined as interventions for the purpose of identifying potential caregivers and encouraging their use of existing services and benefits. Services are directed to large audiences of current or potential caregivers such as disseminating publications, conducting media campaigns, and other similar activities.
- B. **Access/Assistance** given to caregivers in gaining access to services by linking individuals to the opportunities and services available to the maximum extent. The provider should ensure that the individual receives the services needed and makes the opportunities available to the individuals by establishing adequate follow-up procedures. **Case management** is assistance either in the form of access or care coordination in circumstances where the older person or their caregivers are experiencing diminished functioning capacities, personal conditions, or other characteristics which require the provision of services by formal service providers. Activities of case management include assessing needs, developing care plans, authorizing services, arranging services, coordinating the provision of services among providers, follow-up and reassessment, as required.
- C. **Counseling** includes individual counseling, organization of support groups and caregiver training to assist caregivers in the areas of health, nutrition, financial literacy, and making decisions, as well as, solving problems relating to their caregiver roles.
- D. **Respite Care** provides temporary, substitute supports or living arrangements to provide a brief period of rest for caregivers. It can be in the form of in-home, adult day care, or institutional respite. The respite period may be an overnight stay or may be taken on an intermittent, occasional or emergency basis by the hour. Respite care services may include the following activities:
 - 1. In-home services, including services provided by volunteers or in-home service providers;
 - 2. Adult day care services; or

3. Institutional respite care.
 4. For grandparents caring for children — this could include summer camps.
- E. **Supplemental Services** are provided on a limited basis, not to exceed 10% of the Title III-E Allocation, to complement the care provided by caregivers. Supplemental Services includes goods or services to assist the caregiver and/or the care recipient, as needed. Examples include: blood pressure measuring instruments, insulin test kits, dental work, eyeglasses (caregiver only), one time medications, homemaker, chore, and personal care (Note: care recipient must not be Medicaid eligible). Under the flexible AFCSP, these services or supports could be provided on a limited basis for either the caregiver or care receiver.

Temporary — No more than seven consecutive days nor more than fourteen days in a calendar year. A day is considered to be a 24-hour time period. A client can have 336 hours a year of respite services (fourteen days) but not more than 168 hours of respite services for seven consecutive days.

Limited Basis — Not more than once per week (or a total of 8 hours per week)

310.200 Respite Care & Supplemental Restriction

1-1-17

In order to be eligible for respite care and supplemental services (i.e., personal assistance), family caregivers must be providing in-home and community care to older individuals who meet the following definition of “frail” as outlined in subparagraph (A) (i) or (B) of section 102 (28) of the Older Americans Act:

The term “frail” means that the older individual is determined to be functionally impaired because the individual –

- a. *Is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision, **or***
- b. *Due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.*

NOTE: This restriction does not apply to grandparents or older individuals who are relative caregivers of children not more than 18 years of age from receiving respite care and/or supplemental services.

310.206 Funding Requirements**1-1-17**

- A. No AAA may use more than ten percent (10%) of its award to provide Title III-E services to grandparents and older individuals who are relative caregivers of minors.
- B. No AAA may budget and/or expend more than twenty percent (20%) of its federal award to provide supplemental services. Supplemental services are flexible enhancements to caregiver support programs designed for the benefit of caregivers.
- C. No AAA may use more than ten percent (10%) of its award for administrative costs.
- D. AAAs are not allowed to transfer funds between Title III-E and any other Titles under the OAA.
- E. The current Intrastate Funding Formula will be used to distribute Title III, Part E funds.
- F. The intent of the Title III-E maintenance of effort provision in Section 374 is that States and AAAs **do not** use the funds available under Title III-E to supplement existing services. Title III-E funds must be spent in addition to, and shall not supplant, any Federal, State, or local funds expended by an AAA to fund services described in these guidelines provided prior to the date of enactment of Part E (effective November 12, 2000).
- G. State Aging Services may be used to match the Title III-E.
- H. **All** OAA requirements, regarding program income, apply to Part E services.

310.207 Reporting Requirements**1-1-17**

AAAs and their providers must adhere to all OAA and DAAS reporting policies and procedures. See Reporting Policy 208.