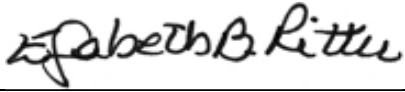


STATE OF CONNECTICUT

STATE DEPARTMENT ON AGING STATE UNIT ON AGING (SUA) PROGRAM INSTRUCTION



Elizabeth B. Ritter, Commissioner

April 10, 2017

Effective Date

PROGRAM INSTRUCTION: SUA-SPI-17-1

This PI replaces SUA-SPI-13-1

SUBJECT: Title III Waiver Request

This Program Instruction (PI) provides guidance to the Area Agencies on Aging (AAAs) on the procedure and schedule for submitting requests for Title III Waiver Requests (waivers) to the State Department on Aging (SDA).

Definition, Purpose and Scope of a Waiver

A service is considered a waived service if it meets one of the following criteria:

- A Title III service provided directly to a consumer by a AAA staff member under the terms of its approved Title III Waiver
- A Title III service provided directly to a Congregate Housing Service Program participant and funds are waived from the competitive bid process. Funds are managed in-house at the AAA level. AAA staff does not provide contracted services directly to the consumer. AAA staff is responsible for the coordination of these services.
- A Title III E service provided directly to a consumer as outlined in the Regulations of Connecticut State Agencies, [Section 17b-423-8](#) and in conjunction with services provided under the AAA's approved waiver. Funds are managed in-house at the AAA level. AAA staff does not provide contracted services directly to the consumer; AAA staff is responsible for the coordination of these services.

AAAs shall award Title III funds by grant or contract to community services provider agencies and organizations. A waiver for the AAA to provide Title III services directly may be granted as an exception to this, per 45 CFR 1321.63.

The AAA provides assurances that:

- Services under the waiver are provided more cost effectively and efficiently by the AAA than by community services provider agencies in the region
- Services under the waiver do not constitute a duplication of services already offered in the community
- Services under the waiver may be necessary in the absence of a viable community based provider
- Services under the waiver are deemed necessary under the Area Plan

- Services may be provided under a waiver due to an emergent need on a time-limited basis
- Appropriate data is collected and reported timely for the services under the waiver, as required by the SDA
- The AAA Board of Directors or Advisory Council, depending on their process, is in concurrence with the request for the waiver and the waiver request represents up to the maximum allocation for final approval.

At times, the AAA may request a waiver to use federal Older Americans Act (OAA) funds to provide services directly to consumers. As the designated State Unit on Aging under the Older Americans Act, the SDA approves or denies waivers at its discretion, based upon the information provided in the completed waiver request. Requests must be clear and reasonable and demonstrate cost efficiency. The SDA shall hold the AAA to a similar standard for its waivers as the AAA holds its community services provider agencies when they seek approval of funding for Title III services.

Requests shall:

- describe the services;
- identify the number of clients served;
- identify units to be provided;
- adhere to SDA service definitions;
- provide an explanation why the AAA is requesting to record select services aggregately;
- be appropriate for the selected funding category; and
- contain a detailed budget.

In general, AAAs may request waivers for use of federal Title III-B, C2, D or E funds allocated by the SDA. Each AAA may request up to four waivers: Title III-B, Title III-C2, Title III-D, and Title III-E. The waivers may be approved by SDA for the entire period of the Area Plan. The time period of the waiver shall be specified on the waiver form.

Title III-B Waivers

Title III-B waivers shall include all proposed III-B services under a single waiver, with the exception of Title III-B funds used for CHSP services. For those AAAs who operate the federally funded Congregate Housing Services Program, a separate CHSP waiver should be submitted (see CHSP Waiver section below). Services under the Title III-B waiver may include information and assistance or No Wrong Door/Aging & Disability Resource Center waivers. More than one program may be proposed and submitted under the Title III-B waiver. The Title III-B waiver request shall not exceed 25% of the AAA’s federal Title III-B allocation for the federal fiscal year **prior** to transfers. This percentage does not include Congregate Housing Services Program waiver funds. See Chart below for Federal Funding Year Guidelines.

Waiver for Federal Fiscal Year	Use Final Federal Allocation prior to transfers
2018	2016
2019	2017
2020	2018
2021	2019

Title III-C2 Waivers

Title III-C2 waivers may be requested for the provision of nutrition education and nutrition counseling services to home delivered meal consumers only. A nutrition assessment must be done before the provision of nutrition counseling. These services must meet the definitions as established by the SDA. Title III-C2 waiver requests for nutrition education and nutrition counseling services which includes the nutrition assessment shall not exceed 10% of the AAA's total Title III-C2 allocation for the previous federal fiscal year, prior to transfers. (See chart under Title III-B Waiver.) The AAA is responsible for ensuring the provision of nutrition education and nutrition counseling services. For FFY 2018 (October 1, 2017 through September 30, 2018), the AAA is responsible for ensuring that no more than 10% of Title III C2 funds, prior to transfers are used to provide nutrition education and nutrition counseling services (and accompanying nutrition assessment) through its Title III C2 Waiver. Beginning FFY 2019 (October 1, 2018 forward), the AAA is responsible for ensuring that no more than 10% of the Title III C2 allocation for the previous federal year, prior to transfers, is used to provide nutrition education and nutrition counseling services (and accompanying nutrition assessment) either through the Title III C2 waiver, its ENPs or both.

Title III-D Waivers

Title III-D waivers shall meet the requirements in SUA-SPI-16-03 for use of Title III-D funding. As described in SUA-SPI-16-03, funding shall be allocated for highest level criteria evidence-based program and a single program shall not be funded with more than 60% of the Title III-D allocation.

Title III-E Waivers

Title III-E waivers shall be submitted on the Title III-E waiver form, as provided by SDA. Title III-E waivers submitted that include the provision of Respite or Supplemental Services shall include an explanation of both the direct services being provided at the AAA level as well as the respite and supplemental services purchased on behalf of caregivers and grandparents, as identified on the form.

CHSP Waivers

CHSP Waivers shall be submitted on the CHSP waiver form, as provided by the SDA. CHSP waivers shall include an explanation of the supportive services provided through the use of Title III B funds and where appropriate, an explanation of the congregate meal services provided through the use of Title III C1 funds.

Procedures for Submitting Waivers and Budgets

New Title III waiver requests shall be submitted to the SDA no later than July 1st for the Area Plan beginning October 1, 2017. New Title III Waiver requests shall be submitted on the SDA-designated waiver request form. SDA shall approve or deny the waiver within 30 days of submission.

Once approved, CHSP, Title III-B, Title III-C2, Title III-D and Title III-E waivers may be revised during an approved Area Plan term. The AAA shall submit requests for revised waivers on the appropriate waiver revision form. Revisions will not be considered by the SDA unless they are submitted on the correct waiver revision form. Items requiring waiver revision requests include changes to the project narrative, services provided, time period or any combination of the previously mentioned items.

If the AAA would like to revise an approved waiver for the **current** federal fiscal year, they may do so in writing once during the fiscal year. For the **current** year, the waiver revision form, as issued by the SDA, may be submitted at any time. If the AAA would like to revise an approved waiver for the **next** federal fiscal year, the form shall be submitted no later than July 1st to be effective for the start of the

upcoming federal fiscal year beginning October 1st. SDA shall approve or deny the waiver within 30 days of submission.

AAAs may also request new waivers in the middle of an approved four-year Area Plan term. If any waiver has not already been approved or the time period of the approved waiver is scheduled to end, the AAA shall submit the new request in accordance with the instructions outlined on pages 2 and 3 of this Program Instruction.

Budgets

Budgets are included in the Title III Waiver forms. Once approved, CHSP, Title III-B, Title III-C2, Title III-D and Title III-E waivers shall automatically renew at their original approved dollar amount for the approved Area Plan term and the budget shall remain unchanged in total and by individual line item. If the AAA requests a change to the total amount requested or to any individual line item, the AAA shall submit a new budget for SDA approval. A budget increase may be requested each year of the Area Plan. If a budget increase is requested, the increase shall not exceed the Consumer Price Index for all Urban Consumers, Northeast Region (for the previous calendar year). This index is determined by US Department of Labor, Bureau of Labor Statistics and can be found using this link: [CPI Index](#). The AAA shall submit the new detailed budget by July 1st each year of the approved Area Plan for approval for the following federal fiscal year. If the only change to the waiver is a budget change to align with the change in the Consumer Price Index, the AAA shall only submit the new detailed budget for consideration. A revised Title III Waiver form is not required solely for a change to the budget. The budget shall be submitted on the form issued by the SDA. The SDA shall approve or deny the new waiver budget within 30 days of submission.

Each budget shall follow the Office of Management and Budget's (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (commonly called "Uniform Guidance"), including the use of the de minimis rate or other federally-approved indirect cost rate.

The SDA may amend the dollar amount and/or duration of any waiver at any time based on funding reductions, underperformance, use of funds for purposes other than those stated in the waiver request, changes in the Older Americans Act, updated guidance from the Administration on Aging/Administration for Community Living (AoA/ACL) or for any other reason determined by the SDA to impact waiver funds, with 30 days written notice.

Termination of Waivers

If an AAA wants to terminate a waiver, the AAA must submit the waiver revision form to the SDA. The AAA must give 30 day notice before termination of any waiver. If the waiver is terminated and services are required services under the OAA, SDA regulations or Program Instructions, the AAA must outline how the terminated services will be provided for remainder of the federal fiscal year. The AAA must use the Waiver Revision form that was issued by the SDA with this PI. Unless otherwise specified, termination of an existing waiver shall be effective at the start of the upcoming federal fiscal year, beginning October 1st.

In cases when allocation reductions occur to the funding source of the waiver the SDA may, if necessary, terminate the waiver for the current fiscal year. The SDA will provide 30 day written notice of any revisions or terminations to approved waivers.

Reporting Requirements:

As outlined in the Older Americans Act, the SDA is responsible for reporting data on those services provided to adults age 60 and older and other individuals to the Administration on Aging/Administration for Community Living. The SDA's Management Information System (currently known as SAMS) is the statewide system that is used to capture information on services delivered through federal and state funds. The SDA requires that all mandatory registered services provided under approved waivers be recorded in SAMS beginning October 1, 2017 in the format established by the SDA. Data shall be recorded in SAMS within 45 days of the report month.

Area Agencies on Aging are required to submit a final annual financial report for each approved waiver. These reports are submitted on the financial reporting forms designated by the SDA. Waiver financial reports shall be submitted with the year-end Title III federal financial reports which are due within forty-five days of the close of the federal fiscal year (November 15th).

Beginning federal fiscal year 2018, the AAA shall submit a Waiver Program Report on November 15th for the recently completed federal fiscal year. All waivers, regardless of funding source, are held to the reporting requirements established by the SDA. The report shall be submitted on the form developed by the SDA. Forms shall not be amended in any way.

LEGAL AND RELATED REFERENCES:

Older Americans Act Section 307(a)(8)(A)
Connecticut State Plan on Aging, October 1, 2013 – September 30, 2017
Connecticut State Agencies Regulations Sec. 17b-423-4(a)(2)
Area Plan Program Instruction SUA-SPI-16-03
MIS Definition Document

Disposition: Retain for Reference
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