
2006 Older Americans Act Reauthorization

POLICY RECOMMENDATIONS

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Introduction

The National Association of State Units on Aging (NASUA) is pleased to share with you a comprehensive set of recommendations for reform of the Older Americans Act (OAA) when it is reauthorized by the 109th Congress in 2006. These recommendations are based on a set of principles adopted by the NASUA membership in June 2004 at our 40th Anniversary Annual Meeting in Washington DC. These principles provided the policy framework within which these recommendations for reform were developed by the membership in December of 2004.

NASUA believes that the forthcoming reauthorization of the Act provides an opportunity to modernize its structures, programs, and services to prepare to serve the next generation of older persons and their families. As you may know, the first cohort of baby boomers will become eligible for most of the services provided under the Act during the next reauthorization period. Therefore, we strongly believe that it is critical that the Congress, the Administration, national organizations, and state and local stakeholders take this opportunity to focus attention on the current status of the Act, its overall effectiveness, and future ideas to enhance its capacity to serve the nation.

We look forward to an open and productive dialogue with all interested parties on the recommendations for changes that NASUA deems necessary from our perspective to further strengthen the Act. Working together we can ensure a reauthorization process that results in an OAA that continues to be responsive to the dynamic circumstances, needs, and preferences of older Americans and their families as America diversifies and ages.

Policy Recommendations for the 2006 OAA Reauthorization

1. Continue the federal government's responsibility to assist states and communities to meet the needs of older people by increasing the authorized federal funding level of all OAA titles and chapters to reflect demographic change and inflation.

Recommended Statutory Change

- A. *Raise the authorized funding level of all currently funded programs by at least 25 percent above the FY 2005 appropriated funding level except for Title III Part E which should be authorized at \$250 million.*
 - B. *Provide specific funding levels for all programs currently authorized but not funded and all new programs authorized.*
2. Strengthen the authority of state government to ensure that the Act's resources are targeted to those older persons most in need of support to maintain dignity and independence, such as the very old, the poor, the near poor who may not qualify for Medicaid (Title XIX of the Social Security Act), the frail, those geographically or socially isolated, limited English speaking individuals, and low-income minority persons.

Recommended Statutory Change

- A. *In all provisions of the statute which require state and area agency assurances and/or preferences related to targeting resources or activities to those most in need add references to "the near poor who may not qualify for Medicaid (Title XIX of the Social Security Act)," "the very old," and "limited English-speaking older persons."*
3. Provide for an authorization period that is sufficient to ensure continuity, promote quality improvements in programs and services and allow newly authorized programs and amendments to be fully implemented.

Recommended Statutory Change

A. *Amend all appropriate sections authorizing current and new programs for five years, except where noted.*

4. Strengthen and broaden the federal leadership role of the Assistant Secretary for Aging to:
- Include a new partnership with the Centers for Medicare and Medicaid Services (CMS) in the administration of HCBS Medicaid Waiver Programs and other long term care programs.
 - Include a new partnership with CMS to ensure that older qualified individuals with disabilities have access to services in the most integrated setting appropriate to their needs.
 - Provide information, education and counseling to people with Medicare in partnership with CMS.
 - Assist in efforts to ensure the integrity of the Medicare program in partnership with CMS.
 - Advocate with other federal agencies to end age bias and increase access by older persons to federal programs and services.

Recommended Statutory Change

- A. *Add a new provision in Section 202 (a) requiring the Assistant Secretary to work with the Centers for Medicare and Medicaid Services in the development, approval, and administration of Medicaid HCBS Waivers for older persons.*
- B. *Add a new provision in Section 202 (a) requiring the Assistant Secretary to work with the Centers for Medicare and Medicaid Services in the design, review, and approval of Medicaid research and demonstration projects in long term care.*
- C. *Add a new provision in Section 202 (a) requiring the Assistant Secretary to prepare, publish, and disseminate a report, either directly or through grant/contract, which details all existing federal policies that create barriers to community living for older people and/or have an inherent age bias, and make specific recommendations for change to the Administration and the Congress, and submit annual progress reports.*

- D. *Add a new provision in Section 202 (a) requiring the Assistant Secretary to work with the Centers for Medicare and Medicaid Services in the development of policies for, and in the administration of, the State Health Insurance Assistance Programs and Medicare and Medicaid integrity programs.*
 - E. *Add a new provision in Section 202 (a) requiring the Assistant Secretary to develop a strategic plan to assist states and communities in preparing for the rapid aging of America and the increased longevity and diversity of the current population of older individuals.*
5. Strengthen and broaden the leadership role of the state units on aging to eliminate the institutional bias in their state's long term care system through:
- New partnership with the state Medicaid agency to ensure that older qualified individuals with disabilities have access to services in the most integrated setting appropriate to their needs.
 - Requiring active participation in the development and implementation of the state's Olmstead plan, long term care rebalancing plans or meeting ADA Title II requirements for older people.
 - Statutory recognition of their expanded responsibilities in the design and implementation of home and community based service systems including the State Medicaid Home and Community-Based Services Waiver programs for the aged and people with disabilities and other long term care programs.
 - Expanded advocacy with other state agencies to end age bias and increase access of older persons to federal and state programs and services.

Recommended Statutory Change

- A. *Add a new provision in Section 307 (a) a new state plan assurance that the state unit on aging will be involved in the planning, coordination of, and where designated by the state in the administration of home and community based long term care programs including Title XIX of the Social Security Act.*
- B. *Amend Section 305(a) (D) to include the following: “. . . which affect older*

individuals ‘including state Olmstead plans where applicable, long term care rebalancing initiatives, and meeting Americans with Disabilities Act (ADA) Title II requirements for older individuals. . . .’

- C. *Add a new provision in Section 307 (a) a new state plan assurance requiring the state unit on aging to participate in state planning and coordination activities related to state’s Olmstead plan, long term care rebalancing plans or meeting ADA Title II requirements for older persons.*
 - D. *Add a new provision in Section 307(a) that the state plan shall include assurances that the state has in effect mechanisms to improve access to other federally funded state administered programs, including home and community based services and food stamps, for eligible older persons.*
6. Provide authority and authorize funds to states to design and implement Aging and Disability Resource Centers (ADRCs) to assist older people and adults with disabilities to make informed decisions about their service and support options and serve as the one stop center for the state’s long term care service and support system.

Recommended Statutory Change

- A. *Add a new Title VIII to the Older Americans Act authorizing the Assistant Secretary to carry out a program for making grants to states to streamline access to multiple public programs for older persons and adults with disabilities through the establishment of aging and disability resource centers at an authorized level of funding of at least \$100 million per year.*
7. Further strengthen the National Family Caregiver Support Program through the addition of a new program focusing on the needs of older persons with Alzheimer’s Disease and related dementia and their caregivers, building on the success of the current state demonstration program.

Recommended Statutory Change

- A. *Add a new Subpart 3 under Title III Part E authorizing the Assistant Secretary to carry out a program for making grants to states under state plans approved under Section 307 to provide multi-faceted systems of support services for persons with Alzheimer’s Disease and related dementia*

and their families and caregivers with an authorized level of funding of at least \$50 million per year including a 10 percent set-aside for statewide initiatives.

- B. *Add a new Subpart 4 under Title III Part E authorizing the Assistant Secretary to carry out a program for making grants on a competitive basis to foster the development and testing of new approaches to sustaining the efforts of families and caregivers of persons with Alzheimer's Disease (limit funding to 5 percent of funds appropriated for new Subpart 2).*
8. Establish a major new evidenced based prevention, disease management, and health promotion program to support the healthy productive aging of current and future generations of older persons.

Recommended Statutory Change

- A. *Modernize Title III Part D by establishing three distinct Subparts: Subpart 1: Health Promotion/Disease Prevention Programs and Services (current program); Subpart 2: Chronic Disease Management and Medication Management Programs authorized at \$100 million per year (including a base amount for each state) including 10% set aside for state wide initiatives; and Subpart 3: State Innovation Grants in Evidenced Based Program Development authorized at \$50 million per year (including a base amount for each state).*
9. Enhance state authority and flexibility to develop and implement consumer directed service delivery methods that promote independence, autonomy, choice and control for older persons and their caregivers in all OAA programs.

Recommended Statutory Change

- A. *Amend Title I Section 101 (10) by deleting the phrase which begins, "full participation in the planning. . . ." and replace with ". . . consumer choice, direction and control in the planning and operation of home and community based services and programs provided for their benefit."*
- B. *Revise Title III, Section 314 to read "Rights Relating to In-Home and Community Based Services for Older Individuals," and amend the language to include the concepts of consumer direction and control.*

10. Strengthen the capacity of state units on aging to develop and implement a comprehensive elder rights system through:
 - Recognition of the critical role of adult protective services (APS) in such systems.
 - Statutory recognition of the existing role of state units on aging in administering APS programs.
 - Providing information, education, counseling and decision assistance to people with Medicare on federal, state and local benefits.
 - Expanded responsibilities for Medicare program integrity.
 - Expanded responsibilities to design and support systems of advocacy and protection for older persons and, when appropriate, adults with physical disabilities, receiving home and community based services.

Recommended Statutory Change

- A. Amend Section 705 (a) by adding a new state plan assurance to read, “An assurance that the State will develop an elder rights system which coordinates programs authorized under this title; includes partnerships with appropriate public and private entities; addresses the unique needs of the diverse older population; informs and empowers older individuals to act on their own behalf; provides individualized advocacy and representation as needed; and assures systemic advocacy.”
- B. Amend Section 705 (a) (6)(A) to read, “...with existing state adult protective service activities ‘administered by the state unit on aging or other component of state government’ for. . . .”
- C. Amend Title VII by adding a new Chapter 5–Outreach, Counseling, Protections and Assistance Program, which provides information, counseling and decision supports to, and representation for, older individuals on public and private benefits, including pensions, health and long term care insurance, and income supports with a clearly defined role for legal assistance. Include a \$100 million authorized level of funding.
- D. Amend Title VII by adding a new Chapter 6 Senior Medicare Integrity Program: Provide allotments to states to promote awareness, prevent victimization, implement state and community partnerships to prevent Medicare and Medicaid fraud and abuse and restore program integrity.

- Provide an authorized level of funding at \$50 million per year.*
- E. *Amend Title VII by adding a new Chapter 7 Home Care Ombudsman Program: Provide allotments to states to establish a program to identify, investigate, and resolve complaints that are made by, or on behalf of, persons receiving in-home and community services with appropriate conflict of interest, protection of privacy, outreach, and coordination provisions. Provide for an authorized funding level of \$50 million.*
- F. *Amend Section 702(c) by deleting “such sums as may be necessary for fiscal year 2001” and adding an authorized level of funding at \$15 million per year.*
11. Enhance the capacity of the Senior Community Service Employment Program (SCSEP) to respond effectively to the unique employment, economic and social needs of older persons by:
- Balancing community service and unsubsidized placement expectations.
 - Reducing statutory and regulatory barriers to participation of older workers in SCSEP and other federal employment and training programs.
 - Developing reasonable performance expectations particularly regarding unsubsidized placements.
 - Reducing administrative burden.

Recommended Statutory Change

- A. *Amend Title V Section 502 (a) (1) by adding the words “or underemployed” after the word “unemployed.”*
- B. *Amend Section 516 (2) by adding after Office of Management and Budget “excluding (i) unemployment benefits income; (ii) 25 percent of Social Security income; (iii) SSDI benefits; and (iv) the income of non-spousal household residents.”*
- C. *Amend Section 516 (2) by adding the words after “. . . including any such individual whose ‘average income in the last six months’”*
- D. *Amend Section 513 (a) (2) (C) to read “For all grantees, the Secretary shall establish a measure of performance of not less than 20 percent and not more than 25 percent”*

12. Strengthen the income security provided to low-income older workers in the SCSEP by exempting wages earned in the program as income for purposes of determining eligibility for Medicaid and other federal benefits.

Recommended Statutory Change

- A. Amend Section 509 to read “Employment Assistance and Federal Benefits” and add at the end “. . . and Title XIX of the Social Security Act.”

13. Ensure that reporting and accountability requirements and definitions are consistent across all titles of the Act and focus on program outcomes without unduly burdening program recipients and the various components of the aging network.

Recommended Statutory Change

- A. Amend Section 211 to read “Reduction of Paperwork and Administrative Burden.” Add the following language: “The Assistant Secretary shall implement ways to improve the efficiency and effectiveness of reporting and reduce state reporting burden. The Assistant Secretary will implement cost effective ways to define the common data requirements needed for policy and management decision-making; reduce the information burden on program recipients; improve data collection methods and systems to ensure unduplicated counts; and reduce the expense of reporting systems. The Assistant Secretary shall provide grants to states to carry out such program information systems management changes. The Assistant Secretary shall establish a National Resource Center on Aging Network Information Systems to provide ongoing training, technical assistance and support to states.”
- B. Amend Section 216 Authorizations of Appropriations by adding a new subsection (d) Program Information Systems Management Initiative authorized at \$10 million per year.

14. Ensure that states have sufficient new resources to prepare their respective states and communities for the aging of America.

Recommended Statutory Change

- A. *Add a new Title IX Grants for State Aging America Initiatives: The Assistant Secretary shall establish and carry out a program of making allotments to states to pay for the cost of carrying out statewide initiatives to help communities develop the programs, policies and/or services needed to address the rapid aging of America and the increased longevity and diversity of the current population of older individuals. Provide for an authorized funding level of \$50 million per year and sunset after 2 years.*

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