**Section 230.250 Services**

The following requirements shall apply to services provided under this subpart.

a) Multipurpose Senior Centers

1) An Area Agency on Aging may award social service funds under this Part to a public or private nonprofit agency for the following purposes:

A) Acquiring, altering, leasing, or renovating a facility, including a mobile facility, for use as a multipurpose senior center;

B) Constructing a facility, including a mobile facility, for use as a multipurpose senior center;

C) The costs of professional and technical personnel required to operate a center.

2) In making awards for the purposes specified in this Section, the Area Agency on Aging shall give preference to facilities located in communities with the greatest incidence of older persons with the greatest economic or social need.

3) The following health, safety and construction requirements shall apply:

A) A recipient of any award for multipurpose senior center activities shall comply with all applicable State and local health, fire, safety, building, zoning and sanitation laws, ordinances or codes.

B) The plans and specifications for an award for acquiring, altering, renovating or constructing a multipurpose senior center facility must comply with regulations relating to minimum standards of construction, particularly with the requirements of the Architectural Barriers Act of 1968 (42 U.S.C. 4151-4157);

C) The Department shall assure the technical adequacy of any proposed alteration or renovation of a multipurpose senior center. The Department assures technical adequacy by requiring that any alteration or renovation of a multipurpose senior center that affects the load bearing members of the facility is structurally sound and complies with all applicable local or State ordinances, laws, or building codes.

4) A recipient of an award for altering, renovating or constructing a facility to be used as a multipurpose senior center must comply with the requirements of the Davis-Bacon Act (40 U.S.C. 276 (a) et seq.) and other mandatory Federal labor standards.

5) The following special conditions for acquiring by purchase, or constructing a facility shall apply:

A) An Area Agency on Aging shall obtain the approval of the Department before making an award for constructing a facility.

B) The Department may approve the construction of a facility after considering the views of the Area Agency on Aging, relative to subsections 230.250(a)(2), (3) and (4), if it is found that there is no other suitable facility available to be a focal point for service delivery.

C) The Area Agency on Aging may make an award for purchasing or constructing a facility only if there are no suitable facilities for leasing.

6) A facility altered, acquired, renovated, or constructed using funds under this Part, to be used as a multipurpose senior center may not be used and may not be intended to be used for sectarian instruction or as a place for religious worship.

7) The following funding and use requirements shall apply:

A) Sufficient funds must be available to meet the non-Federal share of the award;

B) Sufficient funds must be available to effectively use the facility as a multipurpose senior center;

C) In a facility that is shared with other age groups, funds received under this rule may support only:

i) That part of the facility used by older persons; or

ii) A proportionate share of the costs based on the extent of use of the facility by older persons; and

D) A multipurpose senior center program must be operated in the facility.

b) Nutrition Services

1) The Area Agency on Aging may award nutrition services funds received, under Title III of the Older Americans Act (42 U.S.C. 3001 et seq.), to provide meals and other nutrition services, including outreach, and nutrition education, to older persons. In making these awards the Area Agency on Aging shall assure that congregate meals are provided and home-delivered meals are provided based on an assessment of need by the Area Agency on Aging and nutrition service providers.

A) The following eligibility requirements shall be applicable to persons receiving nutrition services:

i) Congregate nutrition services: A person age 60 or older, and the spouse of the person regardless of age, are eligible to participate in congregate nutrition services.

ii) Home-delivered nutrition services: A person age 60 or over who is homebound by reason of illness, incapacitating disability or is otherwise isolated is eligible to receive a home-delivered meal. The spouse of the older person, regardless of age or condition, may receive a home-delivered meal if, according to criteria determined by the Area Agency on Aging, receipt of the meal is in the best interest of the homebound older person.

B) The Area Agency on Aging must assess the level of need for congregate and home-delivered meals within the planning and service area.

2) The Area Agency on Aging may make awards for congregate and home-delivered nutrition services to a provider that furnishes either or both type(s) of service(s).

A) The Area Agency on Aging shall award funds to a nutrition services provider that:

i) Was a nutrition project receiving funds under the former Title VII of the Older Americans Act on September 30, 1978. For purposes of this requirement, "nutrition project" means the recipient of a subgrant or contract to provide nutrition services, other than the Area Agency on Aging, which met the requirements for a project specified in the former Title VII of the Older Americans Act and implementing regulations;

ii) Meets the requirements of this Section; and

iii) Has carried out its nutrition service activities with demonstrated effectiveness.

B) Except as provided in 45 CFR 74, Subpart M, the Area Agency on Aging shall not discontinue funding to a nutrition project specified in subsection (b)(2)(A)(i) of this Section unless the Department:

i) Has given the project an opportunity for a hearing, in accordance with Section 230.40 of this Part; and

ii) Has determined that the project does not meet the requirements of this Section; or has not carried out nutrition services activities with demonstrated effectiveness. The Department shall not set criteria for demonstrated effectiveness that are different from the requirements imposed on projects during the period for which their performance is being measured.

C) Consistent with the requirements of subsection (b)(2)(A) of this Section and, to the extent feasible, the Area Agency on Aging must give preference in making awards for home-delivered meals to public, private nonprofit, and voluntary organizations which:

i) Have demonstrated an ability to provide home-delivered meals efficiently and reasonably; and

ii) Have furnished assurances to maintain efforts to solicit voluntary support and not to use funds received under this Part to supplant funds from non-Federal sources.

3) Each congregate provider shall:

A) Provide hot or other appropriate meals in a congregate setting at least once a day, five or more days a week;

B) Locate congregate nutrition services as close as possible and, where feasible and appropriate, within walking distance to the majority of eligible older persons; and

C) Assess the need for home-delivered meals among participants at its congregate sites.

4) Each home-delivered meals provider shall:

A) Assess the need for home-delivered meals among the participants for whom it has responsibility;

B) Provide for home-delivered meals at least once a day, five or more days a week. Meals may be hot, cold, frozen, dried, canned or supplemental foods with a satisfactory storage life;

C) With the consent of the older person, or his or her representative, bring to the attention of appropriate officials for follow-up, conditions or circumstances which place the older person or the household in imminent danger; and

D) Where feasible and appropriate, make arrangements for the availability of meals to older persons in weather related emergencies.

5) The following food requirements shall apply for all nutrition service providers:

A) In purchasing food, and preparing and delivering meals, the nutrition services providers must follow appropriate procedures to preserve nutritional value and food safety.

B) The nutrition services providers must comply with all State and local health laws and ordinances concerning preparation, handling and serving food.

C) The nutrition services provider must provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements, or ethnic backgrounds of eligible individuals.

D) The nutrition services provider must have available for use upon request appropriate food containers and utensils for blind and handicapped participants.

E) Each meal served by the nutrition services provider must contain at least one-third of the current Recommended Dietary Allowances as established by the Food and Nutrition Board of the National Academy of Sciences – National Research Council.

F) A nutrition services provider shall spend U.S.D.A. food assistance cash only for buying United States Agriculture commodities and other food.

G) The nutrition services providers shall assist participants in taking advantage of benefits available to them under the food stamp program. The nutrition services provider must coordinate its activities with agencies responsible for administering the food stamp program to facilitate participation of eligible older persons in the program.

c) Legal Services

1) The Area Agency on Aging shall award social services funds under this Part for legal services to older persons with the greatest economic or social needs. The purpose of awards under this subsection is to increase the availability of legal services with a priority on older persons with the greatest economic or social need in order to assist them to secure their rights, benefits and entitlements, and to assist them in achieving the objectives of the Older Americans Act. Legal services provided with funds under this Part must be in addition to any legal services already being provided to older persons in the planning and service area.

 "Legal services" means legal advice and representation by an attorney (including, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney), and includes counseling or representation by a non-lawyer where permitted by law, to older persons with economic or social needs.

2) A legal service provider shall be either:

A) An organization that receives funds under the Legal Services Corporation Act (42 U.S.C. 2969); or

B) An organization that has a legal services program or the capacity to develop one.

3) The Area Agency on Aging shall award funds to the legal service provider(s) that most fully meet(s) the following standards. The legal services provider(s):

A) Has staff with expertise in specific areas of law affecting older persons in economic or social need;

B) Demonstrates the capacity to provide effective administrative and judicial representation in the areas of law affecting older persons with social or economic need;

C) Demonstrates the capacity to provide support to other advocacy efforts;

D) Demonstrates the capacity to effectively deliver legal services to institutionalized, isolated, and homebound individuals;

E) Has offices and/or outreach sites which are convenient and accessible to older persons in the community;

F) Demonstrates the capacity to provide legal services in a cost effective manner; and

G) Demonstrates the capacity to obtain other resources to provide legal services to older persons.

4) Each legal services provider shall:

A) Make efforts to involve the private bar in legal services provided under this Part, including groups within the private bar that furnish legal services to older persons on a pro bono and reduced fee basis;

B) Ensure that no attorney of the provider engages in any outside practice of law if the director of the provider has determined that the practice is inconsistent with the attorney's full time responsibilities;

C) Ensure that while employed under this Part, no employee and no staff attorney of the provider at any time:

i) Uses official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office, whether partisan or nonpartisan;

ii) Directly or indirectly coerces, attempts to coerce, command or advise an employee of any provider to pay, lend, or contribute anything of value to a political party, or committee, organization, agency or person for political purposes;

iii) Is a candidate for partisan elective public office; or

iv) Engages in any voter registration activity.

D) In areas where a significant number of clients do not speak English as their principal language, adopt employment policies that ensure that legal assistance will be provided in the language spoken by those clients;

E) Adopt a procedure for affording the public appropriate access to the Older Americans Act, regulations and guidelines of 45 CFR Part 1321, the provider's written policies, procedures, and guidelines, the names and addresses of the members of the governing body, and other materials that the provider determines should be disclosed. The procedure adopted must be approved by the Area Agency on Aging;

F) Ensure that legal services are not provided in fee generating cases, as defined in 45 CFR 1609.2, unless adequate representation is unavailable from private attorneys;

G) Ensure that no employee and no staff attorney of the provider shall directly or indirectly engage in activities intended to influence the passage or defeat of any legislation by the Congress of United States or by any State or local legislative body or State proposals by initiative petition except where:

i) Representation by a provider for a client is necessary with respect to such client's rights and responsibilities (except that no employee shall solicit a client in violation of professional responsibilities for the purpose of making such representation possible); or

ii) A governmental agency, legislative body, committee or member thereof requests the provider to testify, draft or review measures or to make representations to such agency, body, committee or member, or is considering a measure directly affecting the activities of a provider under this Part; and

H) Ensure that, while providing legal services, no employee and no staff attorney of the provider engages in demonstrations, picketing, boycotts, or rioting or civil disturbance or any illegal activities as defined at 45 CFR 1612.1, 1612.2 and 1612.3.

5) Each legal services provider that is not a Legal Services Corporation grantee shall agree to coordinate its services with Legal Services Corporation grantees in order to concentrate legal services funded under the Older Americans Act on older persons with the greatest economic or social need who are not eligible for services under the Legal Services Corporation Act. In carrying out this requirement, legal services providers shall not use a means test or require older persons to apply first for services through a Legal Services Corporation grantee.

6) A legal services provider under this Part may with the approval of the Area Agency on Aging set priorities for the categories of cases for which it will provide legal representation in order to concentrate on older persons with the greatest economic or social need. In setting case priorities, a legal services provider may consider the availability of staff resources in determining the extent of legal advice and representation to provide to individual older persons.

7) A legal services provider shall not require an older person to disclose information about income or resources as a condition for providing legal services under this Part. A legal services provider may ask about the person's financial circumstances as a part of the process of providing legal advice, counseling and representation, or for the purpose of identifying additional resources and benefits for which an older person may be eligible.

d) Information and Referral Services

1) The area plan shall provide for information and referral services sufficient to ensure that all older persons within the planning and service area have reasonably convenient access to the service.

A) In areas in which a significant number of older persons do not speak English as their principal language, the service provider shall provide information and referral services in the language spoken by the older person.

B) "Information and referral service" means a system to link people in need of service to appropriate resources.

2) A provider of information and referral services shall:

A) Maintain current information with respect to the opportunities and services available to older persons;

B) Develop current lists of older persons in need of services and opportunities; and

C) Employ a specially trained staff to inform older persons of the opportunities and services which are available and to assist older persons to take advantage of the opportunities and services.

3) An information and referral services provider may disclose information by name about an older person only with the informed consent of the older person or his or her authorized representative.

e) Transportation Services

 The Area Agency on Aging may enter into transportation agreements with agencies which administer programs under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and Title XIX of the Social Security Act to meet the common need for transportation of service participants under the separate programs. Transportation programs are the only activities funded under Title III of the Older Americans Act where the Area Agency on Aging may delegate to another agency the authority to award or administer those funds.

f) Home Health Services

1) Home health care services authorized under an approved area plan shall be provided by:

A) A Medicare-certified Home Health agency.

B) A self-employed registered nurse who provides services within the scope of his or her practice as defined by the Illinois Nursing Act of 1987 (Ill. Rev. Stat., 1989, ch. 111, par. 3501 et seq.).

C) A physical therapist certified by the Council of Medical Education of the American Medical Association and registered by the State of Illinois.

D) A speech therapist certified by the American Speech and Hearing Association.

E) An occupational therapist registered with the American Occupational Therapy Association.

2) Home health services that may be provided are:

A) Skilled nursing

B) Home health aids

C) Speech therapy

D) Physical therapy

E) Occupational therapy

3) Home health agencies may provide covered services for which they are certified to provide by Medicare.

4) Area agencies providing services shall develop procedures that will insure that double payments will not be made from the same service, that Title III funds will be used only to increase services, and that rates paid for such services do not exceed the established Medicare rate for the vendor providing the service, nor shall payment be made to supplement payments made through Medicare or Medicaid when such supplement is in excess of the established Medicare rate.

5) Payment to self-employed registered nurses providing in-home nursing services is made at the community rate for such services as determined for each case at the time prior approval is given.

6) Payment to independent therapists and community health agencies shall be at the provider's usual and customary charge, not to exceed the maximum established by the Department at $10 per half-hour clinical visit.

g) Homemaker Services

 Homemaker services authorized under an approved area plan shall meet the definitional requirements specified in 89 Ill. Adm. Code 240.410.

h) Chore and Housekeeping Services

 Chore and housekeeping services authorized under an approved area plan shall meet the definitional requirements specified in 89 Ill. Adm. Code 240.420.

i) Case Management Services

 The Department on Aging allows funds to be expended for service entitled "Case Management". Activities directly associated with this service shall be carried out in accordance with applicable provisions of 89 Ill. Adm. Code 220.600 et seq. and 89 Ill. Adm. Code 230 Subpart G once a procurement has been conducted pursuant to 89 Ill. Adm. Code 220.610 et seq.

j) Other Services

 Other service components of a comprehensive and coordinated service delivery system that may be funded by an Area Agency on Aging include:

1) Services which facilitate access, such as outreach, escort, individual needs assessment and service management;

2) Services provided in the community, where permitted by 45 CFR 1321.131, such as continuing education, health and health screening, program development and coordination activities, individual needs assessment and service management, casework, counseling and assistance (concerning taxes, financial problems, welfare, the use of facilities and services, pre-retirement or second career), day care, protective services, nutrition education, services designed for the unique needs of the disabled, emergency services including disaster relief services, residential repair and renovation, physical fitness and recreation services, services in helping to obtain adequate housing;

3) Services provided in the home, such as preinstitutional evaluations, casework, counseling, chore maintenance, visiting, shopping, readers, letter writing, telephone reassurance, and nutrition education;

4) Services provided to residents of care providing facilities, such as casework, counseling, placement and relocation assistance, group services, complaint and grievance resolution and visiting. Care providing facilities include long-term care facilities as defined in 45 CFR 1321.43(b), emergency shelters, and other congregate living arrangements.

(Source: Amended at 15 Ill. Reg. 18642, effective December 13, 1991)