

RE: May 2004, Amendment to Alaska Commission on Aging State Plan for Services, June 14, 2004 – June 13, 2006.

The State agency for Alaska is the Department of Health and Social Services (DHSS), and the Alaska Commission on Aging within DHSS has the statutory authority to develop and administer the State Plan on Aging in accordance with all the provisions of the Older Americans Act, as amended. The State of Alaska is a single planning and service area. The State Plan was submitted to the U.S. Administration on Aging (AOA) in April 2004 for review and approval. The DHSS received a request from the AOA that the State Plan be amended for clarification purposes. Amended responses are in italics and are outlined below. If additional information or clarification is required, please contact Linda Gohl, Executive Director, Alaska Commission on Aging, 907-465-4879, or by fax, 907-465-1398.

PROVISIONS AND INFORMATION:

Page 54 Sec. 307 (a) (5)

Affords an opportunity for a public hearing upon request, in accordance with published procedures, to any AAA submitting a plan under this title, to any provider of (or applicant to provide) services;

Alaska is a single planning service area; however, public hearings are public noticed and held across the state when the State agency proposes changes to the State Plan for Services.

(A) issues guidelines applicable to grievance procedures required by section 306(a)(10) ; and

Per 306(a)(10) of OAA: provide a grievance procedure for older individuals who are dissatisfied with or denied services under this title:

The State agency does not currently have a written grievance procedure in place to accommodate a complaint from an older individual dissatisfied with or denied services under the OAA, but assures a procedure will be established. However, it is a requirement of the recipient of grant award that they have a written grievance procedure included in their organization's by-laws or policy and procedures .

(B) affords an opportunity for a public hearing, upon request, by an AAA, by a provider of (or applicant to provide) services, or by an recipient of services under this title regarding any waiver request, including those under 316.

The State agency will provide a public notice and hearing process if the State agency has a need to submit a request for a waiver to the Older Americans Act. However, the State agency does have a written appeal process in the Alaska Administrative Code (7 AAC 78.305. Request for Appeal and 7 AAC 78.310. Appeal Procedure) for any applicant applying for grant funds to provide services to older individuals.

Page 54, Sec. 307(a)(8)(A); Needs a response.

No supportive services, nutrition services, or in-home services are directly provided by the State agency or area agency on aging in the State, unless, in the judgement of the State agency:

No direct services are currently provided nor is it anticipated that the State agency would provide supportive services, nutrition services, or in-home services in the future. All services are directly provided by an entity other than the State agency.

ASSURANCES:

Page 64, Sec. 306 (9) (C); Needs a specific statement or assurance:

An assurance that the area agency on aging will make services under the area plan available, to the same extent as such services are available to older individuals within the planning and service area, to older Native Americans. ((a)(11))

The State agency assures that services under the area plan are available to Native Americans to the same extent as services are available to other older individuals within the planning and service area. This is also a requirement of the Request for Grant Proposals and grant agreement issued by the State agency.

Page 66, Sec. 307 (6), (B) and (C); Needs specific statement or assurance.

(B) include in any such contract provisions to assure that any recipient of funds under division (A) will be subject to specific restrictions and regulations promulgated under the Legal Services Corporation Act (other than restrictions and regulations governing eligibility for legal assistance under such Act and governing membership of local governing boards) as determined appropriate by the Assistant Secretary; and,

The State agency assures that the recipient awarded funds under Section 307(A), does comply with the requirements of the Legal Services Corporation Act, as is evidenced by a citation at www.alsc-law.org. and is also a requirement in the grant agreement.

(C) attempt to involve the private bar in legal assistance activities authorized under this title, including groups within the private bar furnishing services to older individuals on a pro bono and reduced fee basis. ((a)(11)(A))

The State agency assures that the recipient awarded funds under this Act, utilizes to the maximum extent possible, the services of private attorneys on a pro bono and in some instances reduced fee basis, to provide legal services to older individuals as this is a condition of grant award.

Page 69, Sec. 307 (14); Very weak, expand.

(14) The plan shall provide, with respect to the needs of older individuals with severe disabilities, assurances that the State will coordinate planning, identification, assessment of needs, and service for older individuals with disabilities with particular attention to individuals with severe disabilities with the State agencies with primary responsibility for individuals with disabilities, including severe disabilities, to enhance services and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities. ((a)(17))

The State agency assures, with respect to the needs of older individuals with severe disabilities, that it coordinates planning, identification, assessment of needs and services for older individuals with disabilities and with particular attention to individuals with severe disabilities. The State agency is the Alaska Department of Health and Social Services. A primary objective of the State agency is to coordinate fiscal and services planning with several other agencies and boards within the department which includes, the Division of Senior and Disabilities Service, the Division of Behavioral Health, the Alaska Commission on Aging, the Governor's Council on Disabilities and Special Education, the Alaska Mental Health Board, and the Advisory Council on Alcohol and Drug Abuse.

In addition, Alaska statutes require collaboration for planning and the development of the Comprehensive Integrated Mental Health Plan by the Alaska Mental Health Trust Authority who receives recommendations from four beneficiary boards – the Alaska Commission on Aging, the Governor's Council on Disabilities and Special Education, the Alaska Mental Health Board, and the Advisory Council on Alcohol and Drug Abuse.

Page 69, Sec. 307 (15); Response doesn't really address coordination. Needs more specific assurance.

- (15) The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to section 306(a)(7), for older individuals who:
- (A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently;
 - (B) are patients in hospitals and are at risk of prolonged institutionalization; or
 - (C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them. ((a)(18))

The State agency assures that it coordinates with appropriate non-profit, consumer groups, and other state agencies for the development of community-based, long-term care services for older individuals as required by 306(a)(7). The state provides general funds for grant programs for care coordination, adult day, respite and innovative respite, and in-home support services to families and individuals with Alzheimers Disease and Related Disorders, serving those who are otherwise not eligible for services under the State's Medicaid program. Each year through the State budget process the State agency advocates to the Alaska Legislature and the Alaska Mental Health Trust Authority for continued funding to retain, and to fund pilot projects to expand home and community-based programs.

In addition the State agency has a state managed rural long-term care program. Primary objectives are to determine and assess the need for long-term care services and facilities in rural communities throughout the state. Community assessment reports and planning tools for communities to use are available for the public at the Division of Senior and Disabilities Services website or will be provided by the State agency upon request. Staff consistently travel to rural communities and meet with interested parties to assist with assessment and planning for long term care services. The State agency is currently in the process of partnering with the Alaska Native Tribal Health Consortium, the University of Alaska's Gerontology Education Center, and the newly established National Resource Center for American Indian, Alaska Native and Native Hawaiian Elders to coordinate efforts for the development of community-based, long-term care services for older individuals as required by 306(a)(7).

Page 71. Sec. 308 (1). Make corrections as requested. "Additional funds" should be changed to "amounts"; 308(b)(3)(E) should be changed to 308(b)(3)(A).

- (1) No application by a State under subparagraph (b)(3)(A) shall be approved unless it contains assurances that no amounts received by the State under this paragraph will be used to hire any individual to fill a job opening created by the action of the State in laying off or terminating the employment of any regular employee not supported under this Act in anticipation of filling the vacancy so created by hiring an employee to be supported through use of amounts received under this paragraph. ((b)(3)(A))

The State Agency assures that no amounts received by the State under Section 308 (b)(3)(A) will be used to hire any individual to fill a job opening created by the action of the State in laying off or terminating the employment of any regular employee not supported under this Act in anticipation of filling the vacancy so created by hiring an employee to be supported through the use of amounts received under Section 308 (b)(3)(A).