



Rules of Department of Health and Senior Services

Division 15—Division of Senior and Disability Services Chapter 4—Older Americans Act

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**Title 19—DEPARTMENT OF
HEALTH AND SENIOR SERVICES**
**Division 15—Division of Senior and
Disability Services**
Chapter 4—Older Americans Act

19 CSR 15-4.010 Definition of Terms

PURPOSE: This rule defines terms used in this chapter.

- (1) Access services—A category of services which facilitates access to and utilization of other services. Access services may include but are not limited to transportation, outreach, case management, and information and assistance.
- (2) Act—The Older Americans Act of 1965, as amended.
- (3) Acquiring—Obtaining ownership of an existing facility in fee simple or by a lease of ten (10) or more years for use as a multipurpose senior center.
- (4) Administration for Community Living (ACL)—An agency of the U.S. Department of Health and Human Services (HHS). ACL is structured to provide general policy coordination while retaining unique programmatic operations specific to the needs of each population it serves.
- (5) Administration on Aging (AoA)—An agency within the Administration for Community Living of the U.S. Department of Health and Human Services, charged with administering provisions of the Older Americans Act of 1965, as amended, with the exception of the Senior Community Service Employment Program (SCSEP).
- (6) Administrative action—Any action or decision made by an owner, employee, or agent of a long-term care (LTC) facility, or by an area agency on aging or the division, which affects the provision of services to service recipients.
- (7) Adequate proportion—An amount of supportive services funds determined by the state agency to be sufficient to meet the need for a given priority service in a particular planning and service area.
- (8) Adult day care—As defined in 19 CSR 30-90.010.
- (9) Adult(s) with disabilities—Any individual who has a mental or physical impairment that substantially limits one (1) or more of their major life activities, has a record of such impairment, or is regarded as having such an impairment.
- (10) Advisory council—A council consisting of older adults (including minority individuals and older adults residing in rural areas) who are participants or who are eligible to participate in programs administered under the Older Americans Act, family caregivers of such individuals, representatives of older adults, service providers, representatives of the business community, local elected officials, providers of veterans' health care (if appropriate), and the general public to advise continuously the area agency on aging on all matters relating to the development of the area plan, the administration of the plan, and operations conducted under the plan.
- (11) Advocacy—The act of speaking or writing in support of older adults and/or issues concerning older adults.
- (12) Aging and Disability Resource Center—An entity, network, or consortium established by a state as part of the state system of long-term care, to provide a coordinated and integrated system for older adults and adults with disabilities, and the caregivers of older adults and adults with disabilities, that provides—
 (A) Comprehensive information on the full range of available public and private long-term care programs, options, service providers, and resources within a community, including information on the availability of integrated long-term care services, and federal or state programs that provide long-term care services and supports through home and community-based service programs;
 (B) Person-centered counseling to assist individuals in assessing their existing or anticipated long-term care needs and goals, and developing and implementing a person-centered plan for long-term care that is designed to meet the individual's specific needs, goals, and circumstances;
 (C) Access for individuals to the range of publicly-supported long-term care services and supports for which the individuals may be eligible, including home and community-based service options, by serving as a convenient point of entry for such programs and supports; and
 (D) In cooperation with area agencies on aging, centers for independent living described in part C of Title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), and other community-based entities, information and referrals regarding available home and community-based services for individuals who are at risk for residing in, or who reside in, institutional settings, so that the individuals have the choice to remain in or to return to the community.
- (13) Altering or renovating—Making modifications to an existing facility which are necessary for its effective use as a multipurpose senior center, including restoration, repair, expansion, and all related physical improvements.
- (14) Area Agency on Aging (AAA)—The agency designated by the division in a planning and service area to develop and administer a plan and administer available funds for a comprehensive and coordinated system of services for older adults and adults with disabilities who require similar services.
- (15) Area Agency on Aging governing body—The policy-making board or oversight body which directs the actions of the AAA under local, state, and federal laws and regulations.
- (16) Area plan—The document submitted by an area agency on aging to the division for approval in order to receive subgrants or contracts.
- (17) Assessment—The mechanism for determining needs and eligibility for programs and services.
- (18) Assistant Secretary—The Assistant Secretary for Aging of the U.S. Department of Health and Human Services.
- (19) Case management—A service which ensures that individuals with chronic or acute care needs are assessed and provided with a comprehensive and coordinated service program designed to meet those assessed needs.
- (20) Caterer—A restaurant, hospital, school, or commercial organization which prepares meals under contract.
- (21) CBSA (Core Based Statistical Area)—Consists of one (1) or more counties with at least one (1) urban core of at least ten thousand (10,000) in population, plus adjacent counties that are socioeconomically tied to the urban core by commuting.
- (22) Collocation of services—Coordination and scheduling representatives of providers and other agencies and organizations to assure that, in addition to a center's usual services, all available services benefiting older adults are accessible and convenient for recipients.



(23) Confidentiality—Procedures which assure the anonymity of the individual service recipient.

(24) Congregate nutrition services—The provision of nutrition services to older adults in a congregate or group setting.

(25) Contributions—Money or Supplemental Nutrition Assistance Program (SNAP) (for meals only) given voluntarily and confidentially toward the cost of a service received.

(26) Construction—The building of a new multipurpose senior center including the costs of land, acquisition, and architectural engineering fees.

(27) Continuum of care—A full range of economic, physical, psychological, and social support programs and services necessary to maintain or restore older adults to optimal functioning.

(28) Department—Missouri Department of Health and Senior Services.

(29) Disaster preparedness plan—A regional or statewide plan to organize local efforts to assist older adults and adults with disabilities in the event of a disaster situation which affects large numbers of people.

(30) Division—The Division of Senior and Disability Services within the Department of Health and Senior Services, the designated state unit on aging.

(31) Education and training services—Supportive services designed to broaden the knowledge and skills of older adults, their caregivers, advocates, and the professionals serving them to cope more effectively with their economic, health, and personal needs.

(32) Focal point—A facility established to encourage the maximum collocation and coordination of services for older adults.

(33) Greatest economic need—The need resulting from an income level at or below the poverty line.

(34) Greatest social need—The need caused by non-economic factors, including disability; language barriers; and cultural, social, or geographic isolation, including isolation caused by racial or ethnic status, which restrict the ability of an individual to perform normal daily tasks and/or threatens the capacity of the individual to live independently.

(35) Health screening services—Services in which the service recipient's general health is reviewed, health education is provided, simple tests are provided, or referral is made if indicated.

(36) Highest Level Evidence-Based Program—A program that meets the following criteria: demonstrated through evaluation to be effective for improving the health and well-being or reducing disease, disability, and/or injury among older adults; proven effective with older adult population, using experimental or quasi-experimental design; research results published in a peer-reviewed journal; fully translated in one (1) or more community site(s); and includes developed dissemination products that are available to the public.

(37) Home-delivered nutrition services—Nutrition services delivered to eligible recipients in their homes.

(38) Indirect costs—Those costs allocated to area agency on aging grant awards based on a rate approved by the organization's cognizant federal agency.

(39) Information and assistance—A service for older adults that—

(A) Provides current information on opportunities and services available to older adults within their communities;

(B) Assesses the problems and capabilities of the older adults;

(C) Links older adults to the opportunities and services that are available;

(D) Ensures that older adults receive the services needed, and are aware of the opportunities available to the older adult, by establishing follow-up procedures; and

(E) Serves older adults with greatest social need, economic need, and those at risk for institutional placement.

(40) Legal assistance—Legal advice and representation provided by an attorney to older adults and adults with disabilities with economic and social needs. Legal Assistance includes to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney, and counseling or representation by a nonlawyer where permitted by law.

(41) Local government—A political subdivision of the state, whose authority is general and not limited to only one (1) function or combination of related functions.

(42) Long-Term Care (LTC) facility—As

defined in section 192.2300, RSMo.

(43) Match—The equivalent cash value of third-party in-kind contributions or non-federal cash resources representing that portion of the costs of a grant-supported project or program not fully borne by the federal or state government.

(44) Monitoring—The review and evaluation of all area agency on aging activities by the division or designee, or of contractor activities by the area agency on aging.

(45) Multipurpose senior center—A community or neighborhood facility for the organization and provision of a broad spectrum of services which shall include, but not be limited to, provision of health, including mental health, social, nutritional, and educational services, and the provision of facilities for recreational activities for older adults.

(46) Net cost—The total allowable costs, less grant-related income, for the purpose of meeting match requirements.

(47) Nonprofit—An agency, institution, or organization which is owned and operated by one (1) or more corporations or associations with no part of the net earnings benefiting any private shareholder or individual.

(48) Nutrition services—Provision of congregate or home-delivered meals, or both.

(49) Older adult—A person sixty (60) years of age or older.

(50) Ombudsman—An individual assigned by the division, the area agency on aging, or the area agency on aging's contractors to investigate and resolve complaints made by or on behalf of older adults who are residents of LTC facilities relating to administrative action which may adversely affect the health, safety, welfare, and rights of these residents.

(51) Outreach—Intervention with individuals initiated by an agency or organization for the purpose of identifying potential clients (or their caregivers) and encouraging their use of existing services and benefits.

(52) Planning and service area (PSA)—A geographic area of the state that is designated by the division for purposes of planning, developing, delivering, monitoring, and administering services to older adults and adults with disabilities.



- (53) Policy—A principle established by a government, organization, or an individual that guides decision making and actions.
- (54) Preprint—The division’s instruction for development and submission of the area agency on aging plan or plan amendment.
- (55) Priority services—Those service categories of access, in-home, and legal assistance.
- (56) Program—Any service funded under the approved area plan.
- (57) Program costs—Costs incurred by the area agency on aging in managing and delivering a service.
- (58) Program evaluation—The review and determination of program effectiveness in meeting recipient needs.
- (59) Program monitoring—The review and determination of progress in meeting program objectives.
- (60) Protective services—Services provided by the division in response to the need for protection from harm or neglect to older adults and adults with disabilities under sections 192.2400–192.2505, RSMo.
- (61) Public hearing—An open hearing which provides an opportunity for older adults, the general public, officials of general purpose, local government, and other interested parties to comment.
- (62) Regional office—U.S. Department of Health and Human Services, Administration for Community Living (ACL) office located in Kansas City, Missouri.
- (63) Renovating—See altering.
- (64) Request for proposal (RFP)—A formal invitation to prospective contractors to submit bids for procurement of a defined set of activities, services, or goods.
- (65) Request for qualifications (RFQ)—A type of RFP which is a formal invitation to prospective providers to submit information suitable for determining eligibility as a qualified provider.
- (66) Rural areas—An area that encompasses all population, housing, and territory not included within an urban area as defined by the United States Census Bureau.
- (67) Senior center—A facility providing nutrition services and a variety of supportive services to older adults.
- (68) Service provider—Any entity which contracts with the Department of Health and Senior Services or an area agency on aging to provide services directly to older adults.
- (69) Service recipient—An eligible individual who receives one (1) or more services.
- (70) Staff hour—An hour of staff time spent on any activity related to the service identified.
- (71) Standards—The minimum requirements to be met for the operation of programs and the delivery of services.
- (72) State plan—The document containing the division’s priorities, goals, policy statements, and objectives for enabling older adults to fulfill their potential for independent functioning.
- (73) Structural change—Any change to the loadbearing members of a building.
- (74) Supportive services—The set of services described in Section 321a and Section 373b of the Older Americans Act.
- (75) Supportive service center—A facility providing only activities and supportive services, but no nutrition services.
- (76) Target population—Older adults aged sixty (60) or over, with the greatest social and economic need, including low-income minority adults and adults residing in rural areas.
- (77) Technical assistance—Specific guidance and expertise provided by the division staff to the area agency on aging or by the area agency on aging staff to the service provider staff.
- (78) Time/temperature control for safety food—A food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation per the Food and Drug Administration (FDA).
- (79) Transportation service—A vehicular service which facilitates access to other services.
- (80) Third-party in-kind contributions—Property or services which benefit grant-supported projects or programs and which, under the grant or subgrant, are contributed by nonfederal third parties without charge to the grantee, the subgrantee, or a cost-type contractor.
- (81) Unit of general purpose local government—See local government.
- (82) Urban areas—Urbanized areas of fifty thousand (50,000) or more people; or urban clusters of at least two thousand five hundred (2,500) and less than fifty thousand (50,000) people.
- (83) Volunteer—A person, other than staff or Senior Community Service Employment Program (SCSEP) enrollees, who contributes personal service.
- (84) Waiver—The granting of a deviation from portions of service standards, prohibition of direct service delivery, or any other state regulation.

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**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.020 Administration of the Older Americans Act

PURPOSE: This rule describes the organizational structure in the state for administration of Title III of the Older Americans Act of 1965, as amended.

PUBLISHER’S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

- (1) The Division of Senior and Disability Services, within the Department of Health and Senior Services, is the single organizational unit that is delegated all authority and responsibility to administer programs under Title III of the Older Americans Act of 1965,



as amended, and in accordance with all applicable federal and state laws and regulations.

(2) The division has designated ten (10) distinct planning and service areas (PSAs) within the state with one (1) area agency on aging (AAA) in each PSA. These agencies are Senior Age Area Agency on Aging (including Dallas, Polk, Dade, Lawrence, Greene, Webster, Wright, Texas, Shannon, Oregon, Howell, Douglas, Christian, Barry, Stone, Taney, and Ozark counties); Southeast Missouri Area Agency on Aging (SEMO), d/b/a Aging Matters (including Cape Girardeau, Ste. Genevieve, Perry, St. Francois, Iron, Madison, Reynolds, Wayne, Bollinger, Scott, Mississippi, Stoddard, Butler, Ripley, Carter, New Madrid, Pemiscot, and Dunklin counties); District III Area Agency on Aging, d/b/a Care Connection for Aging Services (including Chariton, Carroll, Saline, Lafayette, Johnson, Pettis, Henry, Benton, Bates, St. Clair, Hickory, Vernon, and Cedar counties); Young at Heart Resources (including Atchison, Daviess, Nodaway, Worth, Harrison, Mercer, Putnam, Sullivan, Grundy, Gentry, Holt, Andrew, DeKalb, Buchanan, Clinton, Caldwell, Livingston, and Linn counties); Northeast Missouri Area Agency on Aging (NEAAA) (including Adair, Schuyler, Scotland, Clark, Knox, Lewis, Macon, Shelby, Marion, Randolph, Monroe, Ralls, Pike, Lincoln, Montgomery, and Warren counties); Central Missouri Area Agency on Aging (CMAAA), d/b/a Aging Best (including Audrain, Boone, Callaway, Cooper, Howard, Miller, Moniteau, Cole, Osage, Morgan, Gasconade, Crawford, Washington, Dent, Phelps, Maries, Pulaski, Laclede, and Camden counties); Mid-America Regional Council, Department of Aging and Adult Services (including Ray, Clay, Platte, Jackson, and Cass counties); Aging Ahead (including St. Louis, St. Charles, Franklin, and Jefferson counties); St. Louis Area Agency on Aging (SLAAA) (St. Louis City); and Region X Area Agency on Aging (including Barton, Jasper, Newton, and McDonald counties).

(3) Any public or nonprofit private agency or office or agency of a unit of general purpose local government, regional planning area, or metropolitan area which is designated to function only for the purpose of serving as an area agency on aging may apply to the division to be designated as a PSA. The division will consider the following factors in making a determination:

- (A) A population of one hundred thousand (100,000) or more;
- (B) The numbers of adults aged sixty (60)

or older, including those with the greatest economic and social need;

(C) The views of public officials representing units of general purpose local governments;

(D) The incidence of need for services and the resources available to administer services to meet those needs; and

(E) The boundaries of units of general purpose local government, regional planning areas, existing economic development districts and areas within the state established for planning and administering human services, including the area-wide comprehensive planning and development districts or regions established pursuant to the state and local review system which replaces that of the Office of Management and Budget Circular A-95, Part IV. The division will include all portions of an economic development district within a single PSA.

(4) If the division denies an application for designation as a PSA, the applicant shall receive written notification which shall include:

(A) Explanation of the reasons for denial of the application;

(B) Provision of the opportunity for the applicant to review any pertinent documents upon which the determination was based; and

(C) Notification of the right to request a formal hearing on the determination.

AUTHORITY: section 192.2000, RSMo 2016. This rule previously filed as 13 CSR 15-4.020. Original rule filed Jan. 6, 1986, effective April 30, 1986. Emergency amendment filed Jan. 5, 1989, effective Jan. 16, 1989, expired April 24, 1989. Amended: Filed Jan. 5, 1989, effective March 25, 1989. Moved to 19 CSR 15-4.020, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.030 Governor's Advisory Council on Aging (Rescinded August 30, 2018)

AUTHORITY: section 660.050, RSMo 1986. This rule was previously filed as 13 CSR 15-6.030 and 13 CSR 15-4.030. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.030, effective Aug. 28, 2001. Rescinded: Filed Jan. 5, 2018, effective Aug. 30, 2018.

19 CSR 15-4.040 State Plan

PURPOSE: This rule describes the process where the division develops the state plan.

(1) The assessment and planning process used by the division to develop a comprehensive and integrated plan for delivery of services statewide includes but is not limited to consulting with area agencies on aging, division staff, and other agencies and organizations to—

(A) Assess the needs of older adults in the state;

(B) Establish statewide priorities;

(C) Review procedures with regard to the development and implementation of the state plan; and

(D) Ensure that the objectives established in the state plan and the area agencies on aging's area plans are consistent.

(2) The state plan is developed to cover a period of up to four (4) years, is reviewed by the governor and submitted to the assistant secretary. It is reviewed annually and updated as needed reflecting input and advice from older adults throughout the state and from the area agencies on aging.

(3) The state plan is available for review in the office of the director of the Division of Senior and Disability Services, or at <https://health.mo.gov/seniors/state-plan-aging.php>.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.035 and 13 CSR 15-4.040. Original rule filed Jan. 6, 1986, effective April 30, 1986. Emergency amendment filed Oct. 16, 1991, effective Oct. 26, 1991, expired Feb. 13, 1992. Amended: Filed Oct. 16, 1991, effective Feb. 6, 1992. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.040, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.050 Funding Formula and Fiscal Management

PURPOSE: This rule describes the division's fiscal management responsibilities under Title III of the Older Americans Act.

(1) The division in consultation with all area agencies on aging (AAAs) shall develop and use an intrastate funding formula for the



allocation of funds received under Title III of the Older Americans Act (the Act) and Title III-B funds utilized for outreach demonstration projects and the ombudsman program.

(2) The intrastate funding formula for the state of Missouri shall be established by the proportion of the population in each planning and service area (PSA) as calculated by using the following four (4) factors:

(A) All adults in each PSA sixty (60) years of age or older;

(B) All adults in each PSA sixty (60) years of age or older who are low income;

(C) All adults in each PSA who are sixty (60) years of age or older who are low-income minorities;

(D) All adults in each PSA who are sixty (60) years of age or older who are in the greatest social need. The basis for this factor shall be determined by the number of adults who are of the appropriate age—

1. With a physical or mental disability;
2. With a language barrier;
3. Who are geographically isolated; or
4. Who are culturally or socially isolated;

(E) Data used to compute the area agency on aging allotment percentages will be derived from the most recent decennial Census of Population and Housing, for the following categories:

1. Population sixty (60) years of age and over;
2. Population sixty (60) years of age and over, below poverty;
3. Population sixty (60) years of age and over, minority below poverty;
4. Population sixty (60) years of age and over, rural or geographically isolated; and
5. Population sixty (60) years of age and over, minority;

(F) Data from the most recent decennial Census of Population and Housing, will be used for the following categories:

1. Population sixty (60) years of age and over with a disability;
2. Population sixty (60) years of age and over with limited English.

(3) The funds allocated to each area agency on aging shall include an identical base amount to each AAA in the state and an amount allotted using the factors in section (2).

(4) The division shall use the data from the most recent decennial census in computing allotment percentages. In addition, the division shall revise allotment percentages, at least, biennially in accordance with population estimates made available through the

Missouri Office of Administration.

(5) Area agencies on aging shall have available not more than ten percent (10%) of the total federal Older Americans Act Title III Part B, Part C-1, Part C-2, and Part E funds for paying such percentage, but not more than seventy-five percent (75%) of the cost of administration of the area plan. The ten percent (10%) administration allowance shall only be taken from amounts made available to the area agencies on aging from federal Older Americans Act Title III Part B, Part C-1, Part C-2, and Part E.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.195 and 13 CSR 15-4.050. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Emergency amendment filed June 16, 1992, effective July 1, 1992, expired Oct. 28, 1992. Amended: Filed April 1, 1992, effective Sept. 6, 1992. Emergency amendment filed April 14, 1994, effective April 24, 1994, expired Aug. 21, 1994. Emergency amendment filed April 27, 1994, effective May 13, 1994, expired Sept. 9, 1994. Amended: Filed April 14, 1994, effective Sept. 30, 1994. Emergency amendment filed Aug. 1, 1994, effective Aug. 22, 1994, expired Dec. 19, 1994. Emergency amendment filed Aug. 1, 1994, effective Sept. 11, 1994, expired Jan. 8, 1995. Emergency amendment filed Dec. 19, 1994, effective Jan. 8, 1995, expired May 7, 1995. Emergency amendment filed April 26, 1995, effective May 9, 1995, expired Sept. 5, 1995. Amended: Filed Dec. 20, 1994, effective June 30, 1995. Emergency amendment filed June 22, 1995, effective July 1, 1995, expired Oct. 28, 1995. Amended: Filed July 17, 1995, effective Jan. 30, 1996. Emergency amendment filed Oct. 19, 1995, effective Oct. 29, 1995, expired April 25, 1996. Amended: Filed Dec. 28, 1995, effective June 30, 1996. Amended: Filed Feb. 20, 1997, effective Aug. 30, 1997. Amended: Filed March 16, 1998, effective Sept. 30, 1998. Amended: Filed Feb. 11, 1999, effective Aug. 30, 1999. Amended: Filed Feb. 2, 2000, effective Aug. 30, 2000. Amended: Filed Jan. 16, 2001, effective July 30, 2001. Moved to 19 CSR 15-4.050, effective Aug. 28, 2001. Amended: Filed Feb. 15, 2002, effective Aug. 30, 2002. Amended: Filed March 31, 2003, effective Sept. 30, 2003. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.060 State Long-Term Care Ombudsman Program

PURPOSE: This rule describes how the division operates the statewide Long-Term Care Ombudsman Program.

(1) The statewide Long-Term Care Ombudsman Program (LTCOP) consists of the state office, regional offices, and volunteers. The regional programs are housed in or subcontracted by the designated area agencies on aging. The LTCOP—

(A) Identifies, investigates, and resolves complaints made by or on behalf of residents in long-term care (LTC) facilities relating to action, inaction, or decision of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect the health, safety, welfare, or rights of such residents. If regional LTCOP coordinators, staff or volunteers determine that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, the regional LTCOP coordinator, staff, or volunteer shall notify the state ombudsman in writing.

1. The state ombudsman, or his/her designee, may facilitate a meeting with the nursing home administrator, and the regional LTCOP coordinator, staff, and/or volunteer. If deemed appropriate, the state ombudsman or his/her designee may notify the nursing facility's corporate staff (if applicable) of the meeting and its results.

2. The regional LTCOP coordinator or staff of the LTCOP state office may contact the Section for Long-Term Care Regulation (SLTCR). The LTCOP state office staff will monitor cases where the nursing home administrator is unwilling to work with the LTCOP and monitor the involvement and/or investigation conducted by SLTCR;

(B) Monitors the development and implementation of federal, state and local laws, regulations and policies that relate to LTC facilities in the state;

(C) Provides information to public agencies about the problems of residents in LTC facilities;

(D) Trains LTCOP staff and volunteers and promotes and assists in the development of citizen organizations;

(E) Implements additional activities, as appropriate, that enhance the LTCOP and are consistent with federal and state requirements and guidelines;

(F) Develops procedures to assure that representatives of the LTCOP are given appropriate access to LTC facilities, appropriate private access to residents and appropriate



access to the residents' personal and medical records; and

(G) Establishes a statewide uniform reporting system to collect and analyze complaints about conditions in LTC facilities for the purpose of identifying problems. Information developed is submitted to the division's licensure and certification section and follow-up is coordinated to resolve significant problems. Reports on the information gathered and analyzed through the statewide uniform reporting system are submitted to the assistant secretary as required.

*AUTHORITY: section 192.2000, RSMo 2016, and section 192.2305, RSMo Supp. 2021. * This rule was previously filed as 13 CSR 15-6.065 and 13 CSR 15-4.060. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.060, effective Aug. 28, 2001. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expired March 19, 2004. Amended: Filed Sept. 12, 2003, effective Feb. 29, 2004. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014, and 192.2305, RSMo 1991, amended 2003, 2014, 2020.*

19 CSR 15-4.070 Designation of Area Agencies on Aging

PURPOSE: This rule describes the process used to designate an Area Agency on Aging, what types of agencies may be eligible and the criteria used by the division for designation.

(1) No more than one (1) area agency on aging will be designated within a planning and service area (PSA). If the division withdraws designation of one (1) of the existing area agencies on aging in accordance with section 192.2000.3, RSMo, prior to designating a new area agency on aging, the division shall—

(A) Consider the views of the unit(s) of general purpose government within the PSA; and

(B) Determine through an on-site assessment that the potential area agency on aging has the capacity to perform all of the required functions.

(2) Any one (1) of the following types of agencies may be designated as an area agency on aging for a PSA:

(A) Any office or agency representing a unit of general purpose local government that is proposed by the chief elected official of the

unit;

(B) Any office or agency proposed by the chief elected officials representing a combination of units of general purpose local government; or

(C) Any other public or private nonprofit agency, except any regional or local agency of the state.

(3) Whenever a new area agency on aging is designated after the date of enactment of the Older Americans Act of 1965, as amended, the division will give the right of first refusal to a unit of general purpose local government if—

(A) The unit can meet the requirements of subsection (4)(C); and

(B) The boundaries of that unit and the boundaries of the area are reasonably contiguous.

(4) The division considers applicants eligible for designation as an area agency on aging that meet the following criteria:

(A) The applicant has prepared and submitted to the division a comprehensive area plan. The area plan shall be completed in accordance with the uniform plan format developed by the division;

(B) If the applicant has responsibilities beyond programs for older adults, it shall agree to create a single organizational unit with delegated authority whose principal function shall be the effective development and implementation of an area plan;

(C) The applicant has demonstrated the capacity to assess the needs of older adults and to plan, administer, monitor, and evaluate services for the entire PSA, including under-represented groups. The applicant shall be able to work effectively with all public and private social, economic, cultural, political, and geographic elements of the PSA it seeks to serve;

(D) The applicant has documented support of local governments and any local aging councils. The applicant, if a private nonprofit agency, has documented that it is incorporated by the Missouri Secretary of State and maintains a current certificate of good standing; and

(E) The applicant, if a private nonprofit agency, has documented that it has applied to the Internal Revenue Service and received the appropriate tax status designation.

*AUTHORITY: section 192.2000, RSMo 2016. * This rule was previously filed as 13 CSR 15-6.045 and 13 CSR 15-4.070. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.070, effective Aug. 28,*

2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.080 Withdrawal of Designation

PURPOSE: This rule identifies the circumstances under which the division may withdraw designation of an area agency on aging, notify the assistant secretary of the action, and provide for continuity of services.

(1) The division may withdraw an area agency on aging's designation if—

(A) The area agency on aging does not comply with requirements of federal and state laws or rules;

(B) State or federal funds are not being expended for the purposes for which they were intended; or

(C) Older adults are not receiving appropriate services within available resources.

(2) Withdrawal of designation of an area agency on aging shall not occur without consultation with the director of the area agency on aging and the area agency on aging board and an opportunity has been granted for a formal hearing and review by the governor.

(3) Should the division withdraw designation of an area agency on aging, the division will notify the assistant secretary in writing of its action, provide a plan for the continuity of services in the affected planning and service area (PSA), and designate a new area agency on aging in the PSA in a timely manner.

(4) If necessary to ensure a continuity of services in a PSA, the division, for a period of up to one hundred eighty (180) calendar days, may perform the responsibilities of the area agency on aging or assign the responsibility of the area agency on aging to another agency in the PSA. The division may request an extension of an additional one hundred eighty (180) days from the assistant secretary if the need for the extension can be demonstrated.

*AUTHORITY: section 192.2000, RSMo 2016. * This rule was previously filed as 13 CSR 15-6.050 and 13 CSR 15-4.080. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.080, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

** Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*



19 CSR 15-4.090 Appeal to the Assistant Secretary

PURPOSE: This rule describes the action that the division takes when an application for designation as a planning and service area has been denied and the denial has been upheld in a division hearing.

(1) Any applicant for designation as a planning and service area (PSA) whose application has been denied by the division and who has requested and received a formal hearing at the state level shall be notified in writing of the right to appeal to the assistant secretary of the Department of Health and Human Services. Written notification shall advise the applicant that a written appeal may be filed with the assistant secretary within thirty (30) calendar days of receipt of notification of the hearing decision.

(2) Upon request by the assistant secretary, the division shall submit the following information regarding an applicant who has filed an appeal:

(A) A copy of the applicant's application for designation as a PSA;

(B) A copy of the written decision of the division; and

(C) Any other relevant information the assistant secretary may require.

(3) Upon receipt of written notice of the date, time, and location, the division director or designated representative or both shall attend the assistant secretary's hearing on the applicant's appeal.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.055 and 13 CSR 15-4.090. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.090, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.100 Area Agency on Aging Governing Body

PURPOSE: This rule requires each area agency on aging to have a governing body and, unless otherwise governed by local law, ordinance, or charter, specifies its composition, responsibilities, and requirements.

(1) Each area agency on aging, unless otherwise structured by local law, ordinance, or

charter shall have a governing body of adequate size and structure to operate efficiently and effectively.

(2) The area agency on aging governing body shall maintain the ultimate authority and responsibility for administration of the approved area plan to provide services to older adults within the designated planning and service area in accordance with all applicable federal, state, and local laws and regulations and division policies and procedures.

(3) The area agency on aging governing body shall have written bylaws, ordinances, or charter that define its membership, authority, responsibilities, and procedures for operation. Unless specified otherwise by local laws, ordinances, or charter the governing body shall comply with the requirements below:

(A) Officers of the governing body shall be elected by the full membership of the board;

(B) No officer of the governing body shall serve in the same office for more than two (2) consecutive terms;

(C) The composition, selection and purpose of standing committees shall be specified in the bylaws. Standing committees must report to the full governing board as directed by the agency's bylaws, but at least annually;

(D) Membership in the area agency on aging governing body shall not be restricted to individuals from any specific race, creed, color, sex, religion, age, national origin, disabilities, or veteran status. Elections procedures shall conform to 19 CSR 15-4.105.

(E) All members of the area agency on aging governing body shall serve three- (3-) year staggered terms, meaning one-third (1/3) of the membership is elected in year one (1), one-third (1/3) is elected in year two (2), and one-third (1/3) is elected in year three (3), then continue in the same manner; and

(F) The area agency on aging governing body shall not select, appoint, or elect as a member, or *ex officio* member, any individual who is an owner, board member, or employee of a service provider agency that has currently submitted a proposal to the area agency on aging to receive funding to provide services or that is currently providing services under a grant, contract, or stipend with the area agency on aging.

(4) The area agency on aging governing body shall maintain full and complete written minutes of all meetings. Upon request, these minutes shall be available for review by the division and the public.

(5) Meetings of the governing body must fol-

low *Robert's Rules of Order* and a parliamentarian shall be designated by the board.

(6) All meetings of the board shall be open to the public as required by section 610.010, RSMo, et seq. commonly referred to as the Sunshine Law.

(7) The governing body annually shall review the bylaws and update if necessary.

(8) The area agency on aging governing body, within thirty (30) days, shall notify the division of any changes it makes in its corporate status, administrative status, staff, location, or telephone number.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.070 and 13 CSR 15-4.100. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.100, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.105 Area Agency on Aging Election Procedures for Governing Body Membership

PURPOSE: This rule establishes and describes election procedures for membership on the area agency on aging governing body. This rule does not apply to area agency on aging board members appointed by the chief executive of a unit of local government, political subdivision, or council of government who are elected officials with the exception of section (2).

(1) Solicitation for governing board nominees shall be publicized locally within the area from which a governing body member will be elected. Nominations may be made by filing a statement of intent at a publicized location in each area or at a publicized open meeting held in the area.

(2) Nominees must be residents of the area they represent and must sign a code of ethics as approved by the governing body.

(3) All voters must register to vote at the polling location. Any person sixty (60) years of age or older shall be eligible to vote.

(4) The area agency on aging governing body will designate a minimum of one (1) polling



location per county.

(5) The time and location of the election shall be publicized in community newspapers at least seven (7) days prior to the election and posted at a minimum in all area agency on aging sponsored senior centers.

(6) Polling places shall be open for voting at least six (6) consecutive hours, with provisions for persons with special needs, including optional absentee voting. Polling locations shall not be open earlier than 6:00 a.m., nor stay open any later than 7:00 p.m.

(7) The area agency on aging will be responsible for printing the official ballots. Nominees shall be listed alphabetically.

(8) A minimum of two (2) persons designated by the area agency on aging shall be present to count votes unless a local county clerk agrees to count votes and certify the results.

(9) Results of the election will be submitted to the area agency on aging central office in a standard reporting format.

(10) All ballots and affidavits shall be kept for a minimum of twenty-two (22) months as required by 52 U.S.C. 20701 for federal elections, provided they have received final audit approval.

(11) A maximum of thirty (30) days will be allowed to contest the results of an election.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-4.105. Original rule filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.105, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.110 Area Agency on Aging Advisory Council

PURPOSE: This rule requires each area agency on aging to have an advisory council and establishes the requirements it shall meet.

(1) Each area agency on aging shall have an advisory council which shall develop and make public written bylaws which specify the role and functions of the advisory council, number of members, procedure for selection

of members, term of membership, and the frequency of meetings.

(2) The advisory council shall meet at least quarterly.

(3) The composition of the councils shall be more than fifty percent (50%) older adults, including older adults with the greatest economic or social need, older minority adults, service recipients and also shall include representatives of older adults, local elected officials, and the general public.

(4) The advisory council shall advise the area agency on aging on developing and administering the area plan, conducting public hearings, representing the interests of older adults, and reviewing and commenting on community policies, programs, and actions affecting older adults.

(5) The area agency on aging shall provide staff and assistance to the advisory council.

AUTHORITY: sections 192.2000 and 192.2020, RSMo 2016. This rule was previously filed as 13 CSR 15-6.085 and 13 CSR 15-4.110. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.110, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014, and 192.2020, RSMo 1984, amended 1994, 2014.*

19 CSR 15-4.120 Affirmative Action/Equal Employment Opportunity/Preference in Hiring

PURPOSE: This rule requires each area agency on aging receiving federal or state funds to comply with the requirements of Affirmative Action/Equal Employment Opportunity programs and to give preference in hiring to persons aged sixty (60) or over.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Each area agency on aging shall have an Affirmative Action/Equal Employment

Opportunity program as required by 5 CFR part 900, subpart F. The written Affirmative Action/Equal Employment Opportunity plan shall be kept on file for review and shall be updated as required.

(2) The area agency on aging, subject to established job qualification requirements or merit system requirements, shall give preference in hiring to applicants who are sixty (60) years of age or over for all full- or part-time positions.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.075 and 13 CSR 15-4.120. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.120, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.130 Area Agency on Aging Staff

PURPOSE: This rule requires the area agency on aging to have a written staffing plan, employ a full-time director, and have adequate numbers of staff.

(1) The area agency on aging shall have on file for review—an up-to-date staffing plan that includes, but is not necessarily limited to, an organizational chart; a description of the education, experience, and background qualifications required for each position (paid and volunteer); a description of the responsibility assigned to each position (paid and volunteer); and a salary schedule.

(2) The area agency on aging shall employ a full-time director to assure the effective and efficient administration of the area plan. The full-time director shall possess the education, experience, and background qualifications as determined necessary by the governing body to fulfill the requirements and functions of the director's position.

(3) The area agency on aging shall employ sufficient staff to carry out the required functions of the area agency on aging.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.080 and 13 CSR 15-4.130. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.130, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*



**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.135 Area Agency on Aging Director

PURPOSE: This rule establishes and describes procedures each area agency on aging shall follow in hiring a director unless otherwise governed by merit system requirements established under local law, ordinance, or charter.

(1) The governing body will appoint a search committee for purposes of filling the vacancy. An interim or acting director may be appointed by the board until the time a permanent director is selected.

(2) The governing body shall propose a job description and qualifications, and update as necessary. This responsibility may be delegated to the search committee.

(3) The governing body shall establish a salary range for the director of the area agency on aging which is commensurate with the duties and responsibilities of the position.

(4) The search committee shall advertise the vacancy.

(5) The search committee will screen all applications and conduct initial interviews.

(6) The search committee will recommend to the full governing body a list of at least the top three (3) finalists based on applications, interviews and reference checks. At the governing body's discretion, re-interviews of all candidates, including the top three (3) recommended by the search committee may take place.

(7) The governing body shall review the recommendations of the search committee and make the final decision.

(8) If the desire is to promote an in-house person, the open search process may be conducted in a shorter time frame than might otherwise be required.

AUTHORITY: section 192.2000, RSMo 2016. This rule previously filed as 13 CSR 15-4.135. Original rule filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.135, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.140 Area Agency on Aging Plan

PURPOSE: This rule establishes the requirements that the area agency on aging shall meet to develop or amend and submit an area plan.

(1) The area agency on aging shall develop the area plan in accordance with all applicable federal and state regulations, the uniform plan format, and other guidelines issued by the division.

(2) The area plan shall encompass a planning period as specified by the division. However, fiscal budgets, including allotments/funds for services and planned service delivery shall be amended at least annually or as available allotments/funds change.

(3) The area plan shall be amended under the following situations:

(A) A new amended state or federal statute or regulation requires a new provision or conflicts with any existing provisions;

(B) A supreme court decision changes the interpretation of a statute or regulation;

(C) The area agency on aging changes the designation of the single organizational unit or component unit;

(D) Receipt by area agency on aging staff or board members of compensation or other items of value above their salaries or the normal fringe benefits available to all staff; or

(E) The area agency on aging takes any action for which prior division approval is required by state regulation, divisional policy, or preprint instructions.

(4) The area plan or plan amendments shall not be implemented until approved in writing by the division director or designee.

AUTHORITY: sections 192.2000 and 192.2025, RSMo 2016. This rule was previously filed as 13 CSR 15-6.095 and 13 CSR 15-4.140. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.140, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014, and 192.2025, RSMo 1999, amended 2014.*

19 CSR 15-4.150 Waivers

PURPOSE: This rule allows the area agency on aging to request a waiver from meeting

specific requirements and sets forth procedures to be followed.

(1) An area agency on aging shall request a waiver if unable to comply with a specific division requirement. The request shall—

(A) Be in writing;

(B) Be signed by the chairperson of the governing body and the director of the area agency on aging;

(C) State the requirement for which a waiver is requested; and

(D) Include supportive documentation that explains why the requirement cannot be met, a description of the area agency on aging's proposed alternative for meeting the requirement, and an explanation of why the proposed alternative is most applicable for the area agency on aging's situation.

(2) Public Hearing for Waivers for Priority Services.

(A) Prior to submitting a waiver request for a priority service, the area agency on aging shall conduct, at a minimum, one (1) public hearing on the content of a proposed waiver. The hearing shall be scheduled at a convenient time and location to ensure maximum attendance by interested parties, representatives of the governing body and advisory council to the area agency on aging, public officials, and older adults.

(B) Notice of the public hearing shall be publicized through widely circulated newspapers and other public media at least twenty (20) calendar days before the date of the hearing. The notice shall be published in English and other languages as appropriate to the geographic area or to the target population to be served.

(C) In addition, notice of the public hearing shall be provided to service providers, organizations of older adults, public officials, and other public and private agencies in the planning and service area.

(D) Records of the public hearings held shall be on file at the area agency on aging office and shall be submitted to the division with the waiver request. The records shall include the following:

1. Documentation of public notice;

2. List of names of persons attending the hearing and organizations represented; and

3. Written summary of all comments received, including if and how comments were incorporated.

(3) A waiver may be approved for the life of the plan, not to exceed four (4) years.

(4) A waiver request may only be submitted with the area plan or area plan amendments.



AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.100 and 13 CSR 15-4.150. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.150, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.160 Review, Submission, and Approval of Area Agency on Aging Area Plans and Plan Amendments

PURPOSE: This rule describes the requirements for review, submission to the division, and the criteria for approval of the area agency on aging's area plan or plan amendments.

(1) Where not covered by charter or established governmental procedures the following shall apply. The area agency on aging shall submit the area plan and any plan amendments for review and approval by the area agency on aging's governing body. The area agency on aging shall obtain signed documentation stating that the area plan and annual updates have been approved by the governing body. The area agency on aging shall also submit the area plan and annual updates to its advisory council for review and comment prior to transmittal to the state unit on aging as required by 45 CFR 1321.57. The area agency on aging shall comply with the Missouri state and local review process.

(2) Following guidelines specified by the division in the preprint, the area agency on aging shall submit the proposed area plan or amendments to the division for approval.

(3) The division will approve, in writing, an area agency on aging's plan or plan amendment indicating that it meets federal and state regulations and division policies and guidelines.

(4) The division will notify the area agency on aging, in writing, within fifteen (15) business days of receipt at division offices of making a determination that it finds that any provision of the area plan or any plan amendment is not approvable and that the division proposes to disapprove the area plan or amendment. Written notification shall include the following:

(A) Explanation of the reasons for the disapproval;

(B) Provision for the opportunity for the area agency on aging to review any pertinent

documents upon which the determination was based; and

(C) Notification of the right to request a formal hearing on the determination.

AUTHORITY: sections 192.2000 and 192.2025, RSMo 2016. This rule was previously filed as 13 CSR 15-6.110 and 13 CSR 15-4.160. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.160, effective Aug. 28, 2001. ** Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014, and 192.2025, RSMo 1999, amended 2014.*

***Pursuant to Executive Order 21-07, 19 CSR 15-4.160, section (4) was suspended from April 3, 2020 through May 1, 2021.*

19 CSR 15-4.170 Area Agency on Aging Fiscal Management

PURPOSE: This rule describes the requirements that the area agency on aging shall meet in managing all funds related to programs funded in whole or in part with state or federal funds associated by the Division of Senior and Disability Services.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The area agency on aging shall establish a system to monitor financial expenditures of grants and contracts. In order to ensure adequate monitoring, at a minimum, the area agency on aging shall—

(A) Establish written policies and procedures governing the expenditures of funds by service providers. These procedures shall provide for record maintenance by each service provider;

(B) Document, through assessment reports, that expenditures are made in accordance with the provisions of 45 CFR Part 75, which has been incorporated by reference in this rule, as published on October 1, 2021, by the Office of the Federal Register, National Archives and Record Administration, 7G Street NW, Suite A-734, Washington, DC

20401-0001 and available at <https://bookstore.gpo.gov/catalog/code-federal-regulations-cfrs-print>. This rule does not incorporate any subsequent amendments or additions;

(C) Monitor quarterly the financial transactions of grants and contracts;

(D) Assure that service providers have recorded documentation of the amount of cash and in-kind resources provided as a match; and

(E) Require adequate bonding of persons handling fiscal responsibilities.

(2) The area agency on aging shall submit written requests for transfers to the division.

(3) The area agency on aging, upon request, shall provide fiscal information to the division, from area agency on aging documentation.

(4) The area agency on aging shall provide assurances that at least the minimum amount allotted for supportive services (Title III B of the Older Americans Act) to the planning and service area will be expended for the delivery of each of the priority services as outlined in the *Missouri State Plan on Aging 2020–2023*, which has been incorporated by reference in this rule, as published by Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570, and available by the department at <https://health.mo.gov/seniors/state-plan-aging.php>. This rule does not incorporate any subsequent amendments or additions.

(5) The area agency on aging annually shall specify in the area plan, as submitted or as amended, in detail, the amount of funds expended for each category of services during the fiscal year most recently concluded.

(6) Nonfederal matching requirements shall be met by the area agency on aging on the aggregate net cost of supportive and nutrition services and administration under Title III of the Older Americans Act. Further requirements are as follows:

(A) The nonfederal match shall be in the form of allowable costs of third-party in-kind contributions or funds which are from a nonfederal source and which are not used as match for any other federal program;

(B) The nonfederal match for administrative costs shall be no less than twenty-five percent (25%) of the net administrative cost;

(C) The nonfederal match for supportive and nutrition services' net costs shall be no less than fifteen percent (15%) of the net cost;



(D) No less than twenty-five percent (25%) of the nonfederal match shall be in the form of allowable costs of state or local public agencies; and

(E) Five percent (5%) of the net cost shall be met by allowable costs of the state and shall be included toward meeting the nonfederal matching requirements.

(7) The area agency on aging shall have an organization-wide audit completed by an independent certified public accountant yearly. Further requirements are as follows:

(A) Audits shall be completed and submitted to the division no later than one hundred eighty (180) calendar days after the close of the agency's fiscal year;

(B) The area agency on aging may request, in writing, a one- (1-) month extension from the division. The request shall include the reason(s) for the extension and shall be received by the division no later than ten (10) working days before the audit due date. The division shall approve or reject a request for extension no more than five (5) working days after receipt of the written request;

(C) The criteria to be followed in auditing an area agency on aging shall be for—

1. Governmental agencies, the audit provisions in 2 CFR Part 200, which has been incorporated by reference in this rule, as published on January 1, 2021, by the Office of the Federal Register, National Archives and Record Administration, 7G Street NW, Suite A-734, Washington, DC 20401-0001 and available at <https://bookstore.gpo.gov/catalog/code-federal-regulations-cfrs-print>, shall apply for fiscal years beginning after December 31, 1984. This rule does not incorporate any subsequent amendments or additions; and

2. All other agencies, the audit provisions in 2 CFR Part 200 shall apply; and

(D) The audit shall be received by the division by the due date or the approved extended due date. Audits not in compliance with federal regulations will not be accepted.

(8) The area agency on aging shall not delegate authority to award or administer funds under Title III of the Older Americans Act to other agencies. The exception may be for transportation agreements with agencies which administer programs under the Rehabilitation Act of 1973 and Titles XIX and XX of the Social Security Act to meet the common need for transportation of service recipients under the separate programs.

(9) Unexpended funds and administrative allotments from Title III B, III C-1, III C-2 awarded under the Older Americans Act for

which there are no legal obligations shall not exceed fifteen percent (15%) of each subpart's total allotment at the end of each fiscal year.

(10) Program income shall be—

(A) Earned gross income by an area agency on aging from activities, part or all of the cost of which is either borne as a direct cost by a grant or counted as a direct cost toward meeting a cost-sharing or matching requirement of a grant. It includes but is not limited to income in the form of fees-for-services performed during the grant or subgrant period, proceeds from sale of tangible personal or real property, usage or rental fees, and patent or copyright royalties. If income meets this definition, it shall be considered program income regardless of the method used to calculate the amount paid to the area agency on aging;

(B) Used to expand services for older adults in the program from which it was earned;

(C) Expended in the current fiscal year or following fiscal year; and

(D) Documented as to the program under which income was earned and expended.

(11) The area agency on aging shall submit fiscal reports to the division on an accrual accounting basis. If the area agency on aging's fiscal records show effective control and accountability, the agency may develop the reports through available documentation. The area agency on aging may estimate outlays in instances where—

(A) There is adequate documentation on which to develop a sound and reasonable estimate of outlays; and

(B) The area agency on aging is unable to obtain actual data in time to meet reporting deadlines.

(12) The area agency on aging shall follow 45 CFR Part 75 Administration of Grants except where inconsistent with federal statutes, regulations, or other terms of a grant or when either the language of the provision itself or other text in the same subpart indicates the provision affects service provider agencies (subgrantees) and use of the term—

(A) Recipient shall be taken as referring to area agencies on aging (subgrantees); and

(B) Awarding party shall be taken as referring to the division (granting agency).

(13) The area agency on aging shall meet requirements concerning advancements, reimbursements, or interest earned on federal funds as follows:

(A) Use methods and procedures to minimize the time lapse between the transfer of

funds and disbursement;

(B) Not request reimbursement for the federal share of amounts withheld from contractors to ensure satisfactory completion of work until it makes those payments;

(C) Expend interest earned on federal funds for allowable costs in the fiscal year in which it was earned;

(D) Expend interest earned on federal funds for allowable costs of the funds which earned the interest;

(E) Budget and report interest earned on federal funds, distinguishing the interest from the fund which earned the interest; and

(F) Maintain documentation of compliance.

(14) The area agency on aging shall submit monthly invoices for reimbursement of expenditures to the division within twenty-one (21) days after the close of each fiscal month on forms prescribed by the division.

(15) The area agency on aging shall meet the division's reporting requirements for quarterly and final financial reports as follows:

(A) Submit quarterly financial and program reports with the appropriate invoice;

(B) Submit a final financial report to the division within ninety (90) days after the fiscal year of the grant ending;

(C) Submit financial reports on the forms prescribed by the division; and

(D) Be subject to the withholding of payments for failure to comply with reporting requirements, until such time as reports are received.

(16) Any cost allocation plans and indirect costs rates shall be determined in accordance with the following guidelines:

(A) For governments, 2 CFR Part 255, which has been incorporated by reference in this rule, as published on January 1, 2021, by the Office of the Federal Register, National Archives and Record Administration, 7G Street NW, Suite A-734, Washington, DC 20401-0001 and available at <https://bookstore.gpo.gov/catalog/code-federal-regulations-cfrs-print>, this rule does not incorporate any subsequent amendments or additions, including any amendments published by the United States OMB;

(B) For institutions of higher education, 2 CFR Part 220, which has been incorporated by reference in this rule, as published on January 1, 2021, by the Office of the Federal Register, National Archives and Record Administration, 7G Street NW, Suite A-734, Washington, DC 20401-0001 and available at <https://bookstore.gpo.gov/catalog/code-federal-regulations-cfrs-print> and as published in



the *Federal Register* by OMB. This rule does not incorporate any subsequent amendments or additions; and

(C) For other nonprofit organizations, 2 CFR Part 230, which has been incorporated by reference in this rule, as published on January 1, 2021, by the Office of the Federal Register, National Archives and Record Administration, 7G Street NW, Suite A-734, Washington, DC 20401-0001 and available at <https://bookstore.gpo.gov/catalog/code-federal-regulations-cfrs-print>. This rule does not incorporate any subsequent amendments or additions.

(17) In order to minimize a loss of funds in the event of bank insolvency, the area agency on aging shall not deposit contributions and federal grant funds in any one (1) bank in an amount that exceeds that bank's maximum insured amount by the Federal Deposit Insurance Corporation (FDIC). The total deposits in one (1) bank, regardless of the number of separate accounts, shall not exceed the maximum amount insured by the FDIC. An acceptable alternative is to request the bank to pledge securities to the area agency on aging. These securities shall act as insurance for excessive cash balances. Documentation of compliance shall be maintained by the area agency on aging.

(18) Contributions shall be handled according to procedures as required for service providers in 19 CSR 15-7.010.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.200 and 13 CSR 15-4.170. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.170, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.175 Funding for Establishment, Maintenance, Modernization, Acquisition, or Construction of Multipurpose Senior Centers

PURPOSE: This rule sets forth the procedures and guidance mandated in 42 U.S.C. 3030b and Administration on Aging PI-91-04 for financing the establishment, maintenance, modernization, acquisition, or construction of multipurpose senior centers with funding received from the division.

(1) The requirements of this rule apply to the use of division funding for establishment, maintenance, modernization, acquisition, or construction of multipurpose senior centers. The requirements apply whether division funding is used to finance the cost in whole or in part.

(2) Area agencies on aging may utilize supportive services funding received from the division to finance the acquisition, establishment, maintenance, modernization, or construction of multipurpose senior centers only where an area plan or area plan update has been approved by the division, where funding has been explicitly identified and designated in the plan or plan update for the named center, and where—

(A) The center is operated under an approved direct service waiver where title to the structure is held by the area agency on aging; or

(B) A grant is made to a public or nonprofit private organization where title to the structure is held by the public or nonprofit organization.

(3) Area agencies on aging must notify the division in writing within thirty (30) days of any decision to acquire, establish, maintain, modernize, or construct a multipurpose senior center. The notification must include:

(A) Date the decision was approved by the agency's board of directors;

(B) Amount approved by the board for the project;

(C) Percentage of total cost which will be paid from funding under the agency's grant/contract with the division;

(D) Nature of the project funded (acquisition, establishment, maintenance, modernization, or construction);

(E) Name and address of grantee, where applicable;

(F) Name and address of the center; and

(G) A plan to use the skills and services of older adults in paid and unpaid work, including multigenerational and older adult to work.

(4) Total cost, for the purposes of this rule, includes all costs incurred by the title holder whether financed with division funding, other area agency on aging funding, or funding from third parties. Total cost does not include the value of any third-party in-kind contributions.

(5) Funding under the area agency on aging's grant/contract with the division, for the purposes of this rule, includes funding received from the division and funding counted toward

satisfying any matching requirement for receipt of division funding.

(6) Area agencies on aging must file the following notice of record with the appropriate unit of local government when acquiring or constructing an agency-owned center:

“This is to serve as notice to all potential sellers, purchasers, transferors, and recipients of a transfer of the real property described below as to the federal government's reversionary interests as set forth in section 312 of the Older Americans Act of 1965, as amended, 42 U.S.C. 3030b, which have arisen as a result of (grantee's name) receipt and use of Department of Health and Human Services' grant funds in connection with the purchase or construction of said property. The property to which this notice is applicable is (address) and identified as parcel (insert appropriate number(s)) in the books and records of (insert appropriate name of local unit of government's recording agency). Said real property is also described as: (insert description provided in survey). Further information as to the federal government's interest referred to above can be obtained from: (name and address of area agency on aging).”

(7) Area agencies on aging must include a requirement in all grant awards for acquisition, establishment, maintenance, modernization, or construction of a multipurpose senior center that the grantee file the notice of record detailed in section (6) and deliver a copy of the filed notice to the agency.

(8) Within thirty (30) days of the filing date, area agencies on aging must deliver a copy of all filed notice of records to the division.

(9) Area agencies on aging must notify the division in writing within thirty (30) days when—

(A) The area agency on aging's board of directors approves additional funding for acquisition, establishment, maintenance, modernization, or construction of a multipurpose senior center project;

(B) The area agency on aging's board of directors approves funding for acquisition, establishment, maintenance, modernization, or construction of a multipurpose senior center with division funding;

(C) The title holder, original grantee or center has a change of name or address;

(D) The site ceases to be used as a multipurpose senior center; or

(E) The title holder ceases to be a public or nonprofit private organization.



(10) Area agencies on aging must maintain a perpetual inventory listing of all multipurpose senior centers acquired, established, maintained, modernized, or constructed financed with division funding.

(11) The inventory listing must include all centers whether owned by the area agency on aging or by a public or nonprofit private organization.

(12) The inventory listing must include the following information:

(A) Date the project was approved by the area agency on aging's board of directors;

(B) Amount approved by the area agency on aging's board of directors for the project;

(C) Percentage of total cost which will be paid from funding under the area agency on aging's grant/contract with the division;

(D) Nature of the project funded (acquisition, establishment, maintenance, modernization, or construction of multipurpose senior centers);

(E) Name and address of current title holder;

(F) Name and address of original grantee, where applicable;

(G) Name and address of the center;

(H) Date the site ceased operation as a senior center, when applicable; and

(I) Date the title holder ceased to be a public or nonprofit private organization, when applicable.

(13) Area agencies on aging must update the inventory when any of the following occur:

(A) The area agency on aging's board of directors approves new or additional funding for a public or nonprofit private organization to acquire, establish, maintain, modernize, or construct a multipurpose senior center;

(B) The area agency on aging's board of directors approves new or additional funding to acquire, establish, maintain, modernize, or construct a multipurpose senior center;

(C) The title holder, original grantee or center has a change of name or address;

(D) The site ceases to be used as a multipurpose senior center; or

(E) The title holder ceases to be a public or nonprofit private organization.

(14) The area agency on aging must maintain an annual inventory listing and provide a copy to the division upon request.

(15) The division shall be entitled to recover funds from an area agency on aging when a multipurpose senior center within ten (10) years after acquisition, establishment, maintenance, modernization, or construction or

within twenty (20) years after completion of construction ceases to be—

(A) Owned by a public or nonprofit private organization; or

(B) Used for the purpose for which it was acquired, established, maintained, modernized, or constructed.

(16) The amount recoverable by the division shall be a percentage of current market value. The percentage shall be equivalent to the percentage of funds contributed under the area agency on aging's grant/contract with the division to the total original cost of the acquisition, establishment, maintenance, modernization, or construction of multipurpose senior centers.

(17) Area agencies on aging are encouraged to enter into legally binding agreements with the grantees permitting the area agency on aging to recover an equivalent amount of funding. The division shall be entitled to recover the full amount from the area agency on aging regardless of the area agency on aging's ability to recover funding from a grantee.

(18) An area agency on aging may petition for waiver of recovery by submitting a written request within thirty (30) days of any event outlined in section (15). The request must detail the reason(s) the area agency on aging believes good cause exists for releasing the agency from the obligation.

(19) The division may approve or disapprove any waiver requested.

(20) Area agencies on aging must maintain the following on file:

(A) Records documenting total costs incurred by the title holder;

(B) Records documenting the amount of total costs paid with funding under the area agency on aging's grant/contract with the division;

(C) A copy of the filed notice of record;

(D) Documents supporting market value determination at the time of any event listed in section (15); and

(E) Records documenting the receipt of amounts recovered from public or nonprofit private organizations pursuant to any event listed in section (15).

(21) Area agencies on aging must maintain all material listed in section (20) applicable to a center for three (3) years after the division obtains an independent audit in conformance with federal Office of Management and Budget requirements covering the period in

which—

(A) The structure ceases to be owned by a public or nonprofit private organization;

(B) The structure ceases to be used as a multipurpose senior center;

(C) Ten (10) years have elapsed from the time division funding was used to acquire, establish, maintain, or modernize, the multipurpose senior center; or

(D) Twenty (20) years have elapsed from the time division funding was used to construct the multipurpose senior center.

AUTHORITY: section 192.2000, RSMo 2016. This rule previously filed as 13 CSR 15-4.175. Original rule filed Feb. 11, 1992, effective June 25, 1992. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.175, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.180 Area Agency on Aging Advocacy Responsibility

PURPOSE: This rule requires the area agency on aging to carry out activities to advocate in the interest of older adults.

(1) The area agency on aging shall serve as the advocate for older adults in the planning and service area by performing at least the following activities:

(A) Monitor, evaluate and comment on all policies, programs, hearings, levies and community actions which affect older adults;

(B) Solicit comments from the public on the needs of older adults;

(C) Represent the interests of older adults to public officials, public and private agencies, or organizations;

(D) Carry out activities in support of the department's Long-Term Care Ombudsman Program; and

(E) Coordinate planning with other agencies and organizations to promote new or expanded benefits and opportunities for older adults.

(2) The area agency on aging shall develop and implement written policies and procedures that describe how it carries out advocacy activities.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.115 and 13 CSR 15-4.180. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.180, effective Aug.*



28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.190 Area Agency on Aging Development of a Comprehensive and Coordinated Service Delivery System

PURPOSE: *This rule describes the requirements the area agency on aging shall meet to develop a comprehensive and coordinated service delivery system within the planning and service area.*

(1) The area agency on aging continuously shall work toward development of a comprehensive coordinated community-based system that shall facilitate access to and utilization of all supportive and nutritional services provided by any source within the planning and service area (PSA). Components of this system may include:

(A) Services which facilitate access, such as transportation, outreach, information and assistance, and case management;

(B) Services provided in the community, such as congregate meals, continuing education, health and nutrition education, health screening, legal assistance, program development and coordination activities, advocacy, information and assistance, case management, casework, counseling and assistance (concerning taxes, financial problems, public benefits, the use of facilities and services, preretirement or second career), adult day health care, protective services, services designed for the unique needs of persons with disabilities, emergency services, disaster relief services, minor home repair, physical fitness and recreation, services to help obtain adequate housing and alteration, renovation, acquisition and construction of facilities to be used as multipurpose senior centers;

(C) Services provided in the home, such as homemaker services, personal care services, legal assistance, respite, case management, counseling, chore, visiting, shopping assistance, reading/letter-writing, telephone reassurance, home-delivered meals, and nutrition education; and

(D) Services provided to residents of care-providing facilities, such as case management counseling, placement and relocation assistance, group services, legal assistance, complaint and grievance resolution and visiting. Care-providing facilities include long-term facilities, emergency shelters and other congregate living arrangements.

(2) The area agency on aging shall assess the

needs of older adults in the PSA and the effectiveness of resources in meeting identified needs.

(3) The area agency on aging shall establish effective and efficient procedures for coordination of planning and service delivery with other agencies and organizations within the PSA, including agencies that administer the following:

(A) Workforce Innovation and Opportunity Act (WIOA);

(B) Title II of the Domestic Volunteer Act of 1973;

(C) Titles XVI, XVIII, XIX, and XX of the Social Security Act;

(D) Sections 231 and 232 of the National Housing Act;

(E) The Housing Act of 1937;

(F) Section 202 of the Housing Act of 1959;

(G) Title I of the Housing and Community Development Act of 1974;

(H) Title I of the Higher Education Act of 1965 and the Adult Education and Family Literacy Act;

(I) Sections 3, 9 and 16 of the Urban Mass Transportation Act of 1964;

(J) The Public Health Service Act;

(K) The Low-Income Home Energy Assistance Act of 1981;

(L) Part A of the Energy Conservation in Existing Buildings Act of 1976;

(M) The Community Services Block Grant Act; and

(N) Demographic statistics and analysis programs conducted by the United States Census Bureau.

(4) The area agency on aging may make arrangements with other local agencies and organizations for services and programs that benefit older adults, such as—

(A) Children's day care organizations so that older adults can volunteer to help provide the day care; and

(B) Local educational agencies, institutions of higher education, and nonprofit private organizations.

(5) The area agency on aging shall develop and publish the methods that are used to establish priorities for services, particularly—

(A) Services associated with access to other services. These services include transportation, outreach, information and assistance, and case management;

(B) In-home services. These services include homemaker, personal care, visiting and telephone reassurance, chore, respite, adult daycare, homebound shopping, home

modification and repair, medication set-up, and supportive services for families of older adult victims of Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type; and

(C) Legal assistance.

(6) The area agency on aging shall give preference in the delivery of services to older adults with the greatest economic or social need. A description of the methods and procedures used to assure that services are provided to those with the greatest economic and social need including low-income minority shall be included in the area plan.

(7) The area agency on aging shall provide adequate and effective opportunities for older adults to express their views on policy development and program implementation.

(8) The area agency on aging shall develop and implement organized ongoing outreach activities to older adults, particularly those residing in rural areas and those with greatest economic or social need and inform them of services that are available. Area agency on aging outreach activities shall be coordinated with the outreach activities required of each service provider within the PSA.

(9) The area agency on aging shall develop a comprehensive, coordinated disaster preparedness plan which shall include service providers in the PSA.

(10) The area agency on aging shall assure that all service providers follow the applicable requirements set forth in 19 CSR 15-7, 19 CSR 15-4.245, 19 CSR 15-4.295, and 19 CSR 15-4.410.

(11) The area agency on aging shall assure that older adults residing in the PSA have reasonably convenient access to information and assistance systems.

(12) The area agency on aging shall designate focal points for comprehensive service delivery giving special consideration to multipurpose senior centers and assuring that the facility can accommodate the collocation of services.

(13) The area agency on aging shall encourage maximum collocation and coordination of services through the community focal point by—

(A) Establishing guidelines for operating schedules that are convenient for service recipients;

(B) Assuring reasonably convenient access



to existing information and referral services; and

(C) Encouraging service providers to collocate their services and coordinate with other services in the community.

(14) The area agency on aging may plan, coordinate, and provide services funded under other programs if it continues to meet its area agency on aging responsibilities.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.120 and 13 CSR 15-4.190. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.190, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.200 Area Agency on Aging Subgrants or Contracts

PURPOSE: This rule sets forth requirements for the area agency on aging to follow in awarding subgrants and contracts.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The area agency on aging shall follow applicable procurement standards as specified in 45 CFR Part 75, which has been incorporated by reference in this rule, as published on October 1, 2021, by the Office of the Federal Register, National Archives and Record Administration, 7G Street NW, Suite A-734, Washington, DC 20401-0001 and available at <https://bookstore.gpo.gov/catalog/code-federal-regulations-cfrs-print>; and 2 CFR Part 200, which has been incorporated by reference in this rule, as published on January 1, 2021, by the Office of the Federal Register, National Archives and Record Administration, 7G Street NW, Suite A-734, Washington, DC 20401-0001 and available at <https://bookstore.gpo.gov/catalog/code-federal-regulations-cfrs-print>. This rule does not incorporate any subsequent amendments or

additions.

(A) The area agency on aging may waive the requirement of competitive bids for the purchase of food items when special temporary market conditions exist and the food items can be purchased for at least ten percent (10%) less than the most current bid price for the same food items.

(2) The area agency on aging shall use subgrants or contracts with service providers to provide supportive services, nutrition services, and/or in-home services under all Older Americans Act (OAA) funding sources. For waiver of this requirement, the area agency on aging shall submit a written request that thoroughly documents that direct provision of service, using its own employees, is necessary—

(A) To assure an adequate supply of the service;

(B) Where those services are directly related to the area agency on aging's administrative functions; or

(C) Where those services of comparable quality can be provided more economically by the area agency on aging.

(3) If an area agency on aging receives a waiver to provide a service directly, all applicable requirements for that service as set forth in 19 CSR 15-7 and 19 CSR 15-4 shall be met.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.125 and 13 CSR 15-4.200. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.200, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.210 Area Agency on Aging Grievance Procedures

PURPOSE: This rule requires area agencies on aging to establish written grievance procedures.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more

than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Each area agency on aging shall establish written grievance procedures that provide the opportunity to appear before the governing body to the following:

(A) Individuals who wish to resolve areas of conflict regarding delivery of services;

(B) Service provider applicants whose application to provide services is denied; and

(C) Service providers whose subgrant or contract is terminated or not renewed.

(2) The written grievance procedures shall be filed with the division as an addendum to the area agency on aging's plan and shall include, at a minimum, the following:

(A) Time limitations, as applicable, and procedures to be followed to request a grievance hearing;

(B) Procedures for conducting the grievance hearing;

(C) Opportunity to review any pertinent information relating to the issues; and

(D) Criteria to be used for making a final determination that include:

1. Time limitations for notification of the decision from the date of grievance hearing;

2. Reasons for the final determination and the evidence on which it was based; and

3. Notice of the right to appeal the decision to the division to service providers who meet the following conditions:

A. Application to provide services under an area plan has been denied; or

B. Subgrant or contract is terminated or not renewed for reasons other than a determination that the service provider has materially failed to comply with the terms of the subgrant or contract as provided in 45 CFR part 75, subpart D.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.090 and 13 CSR 15-4.210. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.210, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.220 Area Agency on Aging Technical Assistance, Monitoring, and Evaluation Responsibilities

PURPOSE: This rule requires the area agency on aging to provide technical assistance to



service providers and other organizations and to monitor and assess service provider performance.

(1) The area agency on aging shall provide technical assistance to service providers, organizations where joint program agreements are in effect, and upon request, to groups and public and private organizations that are interested in developing or expanding programs for older adults.

(2) The area agency on aging shall develop and implement an ongoing process for monitoring service providers that includes requiring periodic written financial and program reports.

(3) At least annually, the area agency on aging shall conduct a full on-site evaluation of each service provider to monitor compliance with fiscal and program standards and to provide technical assistance, if needed. The division shall have the right to require an area agency on aging to conduct more frequent on-site monitoring if there is evidence of inadequate quality or quantity of service being delivered by a service provider.

(4) The area agency on aging shall develop and implement written policies and procedures that describe how it meets its technical assistance, monitoring, and evaluation responsibilities.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.130 and 13 CSR 15-4.220. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.220, effective Aug. 28, 2001. ** Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

***Pursuant to Executive Order 21-09, 19 CSR 15-4.220, section (3) was suspended from September 22, 2020 through December 31, 2021.*

19 CSR 15-4.230 Multipurpose Senior Center

PURPOSE: This rule establishes the requirements that shall be met by an area agency on aging for the acquisition, establishment, maintenance, modernization, or construction of a multipurpose senior center.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be

unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Area agencies on aging may award funds to a public or private nonprofit agency for the following purposes:

(A) Acquiring, establishing, maintaining, modernizing, or constructing of a multipurpose senior center; or

(B) Paying the costs of professional and technical personnel required to operate multipurpose senior centers.

(2) In making multipurpose senior center awards, the area agency on aging shall give preference to facilities located in communities with the greatest numbers of older adults, including those who are low-income minorities and those with greatest economic and social need.

(3) The area agency on aging shall assure the following general requirements will be met prior to awarding funds for a multipurpose senior center:

(A) It serves a cross-section of all segments of the older adult population of its planning and service area, including those who are low-income minorities and those with greatest economic and social need; and

(B) It operates a program of group activities, individual services and community service, opportunities in each of the following categories:

1. Access services;
2. Community services, including advocacy-related services;
3. Services for frail, vulnerable, and at-risk older adults; and
4. Nutrition services.

(4) The area agency on aging shall submit to the division, for review and prior approval, a written plan for purchase or construction of a multipurpose senior center with accompanying justification and documentation. The division shall approve the proposed plan based on the following criteria:

(A) For proposed award for construction, there is no other suitable facility available to be a community focal point for service delivery; and

(B) For proposed award for purchasing or constructing a facility, only if there are no suitable facilities for leasing.

(5) The area agency on aging shall submit to the division, for review and prior approval, the plans and specifications for any proposed acquisition, establishment, maintenance, modernization, or construction of a multipurpose senior center funded with federal or state funds in order to assure that all applicable minimum construction standards shall be met, particularly the requirements of the Architectural Barriers Act of 1968, as amended.

(6) The area agency on aging shall submit to the division, for review, an assurance by a licensed architect, a certified code enforcement official, or certified general contractor that the plans and specifications for any proposed alteration or renovation comply with all applicable local or state ordinances, laws, or building codes that affect the load-bearing structures of a multipurpose senior center funded with federal or state funds, or both. In the absence of state and local codes, the area agency on aging shall assure compliance with the *International Building Code 2015 Edition*, which has been incorporated by reference in this rule, published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001. To order 1-888-422-7233, ext. 33822, or visit the International Code Council website at <http://shop.iccsafe.org/codes/2015-international-codes-and-references.html>. This rule does not incorporate any subsequent amendments or additions.

(7) The area agency on aging shall require recipients of an award for the establishment, maintenance, modernization, or construction of a facility to be used as a multipurpose senior center to comply with the requirements of the Davis-Bacon Act and other mandatory federal labor standards.

(8) A facility acquired, established, maintained, modernized, or constructed to be used as a multipurpose senior center shall be used for that purpose for a minimum of ten (10) years from the date of acquisition, establishment, maintenance, modernization, or construction or twenty (20) years after the completion of construction.

(9) The area agency on aging shall ensure that no federal or state funds shall be used for religious instruction or worship.

(10) The area agency on aging shall ensure that no federal or state funds shall be used for the promotion of any political point of view.

(11) The area agency on aging shall assure



the following:

(A) Sufficient funds shall be available to meet the nonfederal share of the award;

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

(C) In a facility that is shared with other age groups, federal or state funds shall support only—

1. That part of the facility used by older adults; or

2. A proportionate share of the costs based on the extent of use of the facility by older adults; and

(D) A multipurpose senior center program must be operated in that facility in accordance with standards set forth in 19 CSR 15-7.010

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.140 and 13 CSR 15-4.230. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed June 3, 1991, effective Oct. 31, 1991. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.230, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.240 Nutrition Service Requirements

PURPOSE: This rule establishes the requirements to be met by the area agency on aging to fund, establish, and operate nutrition services for older adults.

(1) The area agency on aging may award nutrition services funds to a service provider to provide meals and other nutrition services, including outreach and nutrition education, to eligible service recipients within the planning and service area (PSA).

(2) The area agency on aging shall assess the level of need for congregate and home-delivered meals within the PSA and maintain documentation of the method(s) used to assess level of need and how the results were used to determine levels of services to meet those needs.

(3) The area agency on aging may make awards for congregate and home-delivered nutrition services to a service provider that furnishes either or both type(s) of service(s). The area agency on aging may award federal and state funds to a service provider that delivers only home-delivered nutrition ser-

vices if congregate nutrition services are also provided through the area agency on aging.

(4) The area agency on aging shall assure that the provisions of nutrition services are contracted for in accordance with the standards set forth in 19 CSR 15-4.200.

(5) Eligibility of individuals to receive nutrition services shall be determined as follows:

(A) Any person aged sixty (60) years or over and the spouse of that person regardless of age shall be eligible to receive congregate nutrition services;

(B) Any person aged sixty (60) years or over who is homebound by reason of illness, incapacitating disability, or is otherwise isolated shall be determined eligible for home-delivered nutrition services. Occasional escorted trips from the home for medical or other necessary services will not affect the individual's eligibility for home-delivered meals. The following conditions shall be met:

1. The area agency on aging shall require an assessment of the individual's eligibility for home-delivered nutrition services prior to initiation of the service and assess the individual's need for continued service at least annually after that. In emergency situations, home-delivered meals may be delivered for a maximum of five (5) days prior to the initial assessment of eligibility; and

2. The area agency on aging shall develop written criteria by which to determine if the spouse and/or primary caregiver who resides in the home, regardless of their age or condition of the spouse, may receive a home-delivered meal. The criteria developed shall assure that the receipt of the meal by the spouse and/or caregiver is in the best interest of the homebound older adult;

(C) Adults with disabilities under sixty (60) years of age who reside in housing facilities occupied primarily by older adults at which congregate nutrition services are provided may receive congregate nutrition services. Any person meeting these requirements also may be eligible to receive home-delivered nutrition services provided the procedures of paragraph (5)(B)2. are followed; and

(D) Under the Social Services Block Grant (SSBG), adults with disabilities under sixty (60) years of age who do not reside in housing facilities occupied primarily by older adults may be eligible to receive congregate nutrition services. Any person meeting these requirements also may be eligible to receive home-delivered nutrition services under SSBG provided procedures in paragraph (5)(B)2. are followed.

(6) The area agency on aging may allow guests under sixty (60) years of age to eat a meal at a nutrition center provided that—

(A) An eligible service recipient is not deprived of a meal; and

(B) The full cost of the meal is paid.

(7) The area agency on aging may allow nutrition center volunteers under sixty (60) years of age to eat a meal at the nutrition center. If volunteer meals are allowed, the criteria shall allow these meals only if—

(A) An eligible service recipient is not deprived of a meal;

(B) The volunteer has expended substantial direct effort in the preparation, service, delivery, cleanup of the meal, or a combination of these; and

(C) The volunteer is afforded the opportunity to contribute to the cost of the meal.

(8) The area agency on aging shall request prior approval from the division for any new nutrition centers, construction of nutrition centers, renovation of nutrition centers, or relocation of existing nutrition centers.

(9) The area agency on aging shall request prior approval, in writing, from the division for any proposed termination of a nutrition center and shall not terminate any nutrition center until written approval has been received from the division.

(10) The area agency on aging shall report the occurrence or suspicion of a food-borne illness to the appropriate health authorities and the division. The area agency on aging shall cooperate with health authorities and keep the division informed of the investigation status as well as provide notice of resolution.

(11) The area agency on aging shall hire or retain the services of a qualified dietitian/nutritionist who does monitoring and provides technical assistance to service providers in the areas of food and nutrition. The dietitian/nutritionist shall meet one (1) of the following qualifications:

(A) Dietitian—A person who holds a bachelor of science degree from an accredited college or university with a major in dietetics, food and nutrition, or institutional food management and is eligible to take the registration examination offered by the American Dietetic Association;

(B) Registered Dietitian (RD)—A dietitian who has successfully completed the required examination for registration with the American Dietetic Association and maintains the status by meeting continuing education requirements;



(C) Nutritionist—A person who holds a bachelor of science degree with a major in human nutrition or a major in dietetics from an accredited college or university;

(D) Food and Nutrition Specialist—A person who holds a bachelor of science degree with a major in food and nutrition or institutional food management; or

(E) Public Health Nutritionist—A person who holds a master of public health nutrition or master of science with a major in public health nutrition.

(12) The area agency on aging shall provide for technical assistance/training to nutrition service provider’s staff and volunteers that shall include, but not necessarily be limited to, meal cost and portion control, commodity/cash use, nutrition education, nutrition policies and standards, modified diets, food buying and preparation, food inventory, menu planning, kitchen design, purchase of equipment, fire and safety procedures, sanitation, first-aid, and emergency life-saving techniques.

(A) Technical assistance and training for nutrition education, modified diets and menu planning shall be provided by a dietitian/nutritionist.

(B) In all other areas, technical assistance and training may be provided by other area agency on aging staff who have been trained in the subject matter.

*AUTHORITY: section 192.2000, RSMo 2016. * This rule was previously filed as 13 CSR 15-6.145 and 13 CSR 15-4.240. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed June 3, 1991, effective Oct. 31, 1991. Amended: Filed May 12, 2000, effective Nov. 30, 2000. Moved to 19 CSR 15-4.240, effective Aug. 28, 2001. ** Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

***Pursuant to Executive Order 21-09, 19 CSR 15-4.240 was suspended from April 3, 2020 through December 31, 2021.*

19 CSR 15-4.245 Nutrition Service Standards

PURPOSE: This rule establishes the minimum standards for providing nutrition services for older adults with federal or state funds.

PUBLISHER’S NOTE: The secretary of state has determined that publication of the entire

text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) A unit of nutrition service is one (1) qualifying meal—

(A) Served to a service recipient in a center for congregate nutrition services; or

(B) Delivered to a homebound service recipient’s home for home-delivered nutrition services.

(2) Nutrition service providers shall provide services and meet all requirements set forth in 19 CSR 15-7.010.

(3) Staffing and Training.

(A) There shall be an administrator who shall be responsible for the operation of the senior center and nutrition services provided by the center. The administrator, or a person designated by the administrator, shall be present in the senior center at all times the senior center is open.

(B) There shall be an adequate number of staff (paid or volunteer) who are qualified to perform assigned functions in order to implement the activities and services of the senior center.

(C) Training Requirements.

1. Administrator—six (6) hours orientation plus twelve (12) hours supervised on-the-job training and an additional four (4) hours in-service training per quarter or sixteen (16) hours annually.

2. Cook—four (4) hours orientation plus six (6) hours supervised on-the-job training and additional two (2) hours in-service training per quarter or eight (8) hours annually.

3. Cook helper—two (2) hours orientation plus four (4) hours supervised on-the-job training and an additional one (1) hour in-service training per quarter or four (4) hours annually.

(4) Record Keeping. The following additional records shall be maintained by nutrition service providers:

(A) Daily record documenting persons who receive meals, both congregate and home-delivered, following a method developed by the area agency on aging and approved by the division;

(B) Meal count or reports, including total Nutrition Services Incentive Program

(NSIP)-eligible meals, NSIP-eligible meals served to low-income older minority adults, meals served to adults with disabilities eighteen to fifty-nine (18–59) and meals served to ineligible guests and staff;

(C) Perpetual and physical inventory records for all foods; and

(D) Food Cost Records.

(5) Equipment Requirements.

(A) Whether the senior center is catered or has an on-site food preparation kitchen, adequate equipment shall be available to keep refrigerated foods at or below forty-one degrees Fahrenheit (41°F), heated foods above one hundred forty degrees Fahrenheit (140°F), and frozen foods at or below zero degrees Fahrenheit (0°F).

(B) Specific equipment required for all centers serving meals is as follows:

1. A home-style or commercial range;
2. A home-style or commercial refrigerator;

3. A handwashing sink;

4. A three- (3-) vat sink or other acceptable method for dishwashing;

5. A hot table if the senior center serves a total of thirty (30) meals or more per day (if the senior center serves fewer than thirty (30) meals per day, the meals can be served directly from the insulated carriers, provided meal service begins immediately after the food arrives);

6. A cold table or another acceptable method of keeping cold food at the proper temperature during food service; and

7. Additional equipment as needed and required by the area agency on aging.

(C) Additional equipment required for on-site food preparation senior centers is as follows:

1. A range with an automatic range-hood extinguishing system, preferably commercial;

2. Adequate number of refrigerators and freezers, preferably commercial;

3. A three- (3-) vat sink; and

4. Other equipment as determined by the area agency on aging (ice machine, mixer, dishwasher, and the like).

(D) Insulated carriers for delivery of the food are required for senior centers receiving bulk prepared foods.

(6) Menu Planning Requirements.

(A) If one (1) meal per day is served, it shall contain a minimum thirty-three and one-third percent (33 1/3%) of the daily Dietary Reference Intakes (DRI) as established by the Food and Nutrition Board of the National Academies of Sciences, Engineering, and Medicine. A minimum of sixty-six



and two-thirds percent (66 2/3%) of the DRI shall be provided if two (2) meals are served, and one hundred percent (100%) of the DRI shall be provided if three (3) meals are served. The area agency on aging shall follow the U.S. Department of Agriculture and U.S. Department of Health and Human Services *Dietary Guidelines for Americans, 2020-2025*, 9th Edition, December 2020, which has been incorporated by reference in this rule, as published by the United States Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201, and the United States Department of Agriculture, 1400 Independence Ave. SW, Washington, D.C. 20250. A copy is available on Dietary Guidelines for Americans website at <https://www.dietaryguidelines.gov/>. This rule does not incorporate any subsequent amendments or additions.

(B) A twenty to twenty-eight (20–28) day menu cycle shall be developed to be repeated for a three- (3-) month period. Suggestions from service recipients shall be solicited regarding menu choices.

(C) Standardized recipes shall be used to assure consistent quality and quantity.

(D) Menus shall be reviewed and certified by an individual who meets the standards set forth in 19 CSR 15-4.240(12) at least annually. Copies of all certified menus shall be submitted to the area agency on aging and shall be maintained for at least three (3) years.

(E) Menu substitutions shall be made in accordance with the established procedures of the area agency on aging.

(7) Special menus shall be provided to meet the particular dietary needs arising from the health requirements, religious requirements, or cultural backgrounds of service recipients, where reasonable.

(A) Special meals provided for health requirements shall be planned, prepared, and served under the supervision/consultation of a dietitian/nutritionist. Copies of all certified menus shall be maintained on file by the area agency on aging for at least three (3) years.

(B) The persons responsible for the service of special diets shall be trained to make appropriate substitutions based on food values.

(C) Diet counseling, if provided, shall be conducted by a dietitian/nutritionist, according to the individual's diet prescription which shall be obtained from the service recipient's physician.

(D) A diet prescription may be obtained for persons receiving home-delivered special meals. Any prescription on file shall be kept current and shall be reviewed at least annual-

ly with the service recipient's physician.

(E) Individuals with a strict dietary regimen shall be referred to the medical profession for management of dietary needs.

(8) Requirements for handling prepared foods are as follows:

(A) A two (2) ounce separate sample of each time/temperature control for safety food item served shall be refrigerated and kept at least seventy-two (72) hours. Sample(s) shall be available for analysis by the Department of Health and Senior Services if a food-borne illness is suspected;

(B) Time/temperature control for safety food which has been held at one hundred forty degrees Fahrenheit (140°F) or higher over four (4) hours or between forty-one degrees and one hundred forty degrees Fahrenheit (41°–140°F) for two (2) hours and any prepared food that has lost its quality shall not be served and shall be destroyed;

(C) Foods that are usually considered safe to store, such as fruits, vegetables, cake, breads, cookies, ice cream, and fruit pies, may be retained for use while quality remains acceptable;

(D) The proper equipment shall be used to maintain hot foods at or above one hundred forty degrees Fahrenheit (140°F) and cold foods at or below forty-one degrees Fahrenheit (41°F) while serving. Hot and cold food temperatures shall be checked immediately prior to service and recorded daily. Records must be kept for two (2) years at the center;

(E) When cooling, food shall be placed no more than two inches (2") deep in a container, covered and immediately placed in the refrigerator or freezer so it will cool to forty-one degrees Fahrenheit (41°F) or below as rapidly as possible. Once food is cooled to forty-one degrees Fahrenheit (41°F) or below, it may be stored in a container more than two inches (2") deep;

(F) When transporting prepared foods, the following procedures shall be used:

1. Hot food shall be delivered within three and one-half (3 1/2) hours following end preparation time. This limit includes the time required for packaging foods by the caterer, transporting to the centers, holding time at the center, packaging meals for home-delivered meal recipients, and transporting meals to the home; and

2. Hot foods delivered to the center shall be at a minimum temperature of one hundred forty degrees Fahrenheit (140°F) and cold foods shall be at a maximum temperature of forty-one degrees Fahrenheit (41°F). A daily record of the delivery time and temperature of the food when received shall be kept at each center. Records must be kept for three

(3) years at the center;

(G) Meal service shall be scheduled so that food is available for at least thirty (30) minutes after serving begins;

(H) Appropriate serving utensils shall be used for food portion control;

(I) Appropriate food containers and utensils for service recipients who are blind or otherwise disabled shall be available for use upon request; and

(J) Area agencies on aging may develop their own policies, in accordance with local public health codes, for allowing leftover foods to be removed from the center. It is recommended that centers include information about food safety in nutrition education.

(9) Food Storage Requirements for All Foods.

(A) Cleaning supplies and pesticides shall be clearly labeled and stored in separate locations from food products.

(B) Food products shall be stored at least six inches (6") above the floor.

(C) Dry food storage shall be well-ventilated, away from direct sunlight and maintained between fifty degrees Fahrenheit and seventy degrees Fahrenheit (50°F–70°F).

(D) All refrigerated foods shall be maintained at or below forty-one degrees Fahrenheit (41°F).

(E) Frozen foods shall be maintained at or below zero degree Fahrenheit (0°F).

(F) Inventory of all foods shall be depleted on a first-in/first-out basis.

(G) Adequate transportation for all foods shall be provided as required.

(H) Thermometers shall be kept in each refrigerator and freezer and temperatures shall be checked and recorded daily. Records must be kept for three (3) years at the centers.

(10) Health and Sanitation Requirements.

(A) Personnel with symptoms of communicable disease or open or infected wounds shall not be permitted to handle food.

(B) All food handlers shall use effective hair restraints. Effective restraints are devices which both cover and hold hair, such as hair nets, caps, hats, and bandannas. Hair spray is not an acceptable hair restraint.

(C) Equipment and work areas shall routinely be cleaned and sanitized according to a posted written schedule.

(D) Disposables shall be discarded by a locally approved sanitary method.

(E) If a garbage disposal is not used, waste shall be kept in leak-proof containers with close-fitting lids and disposed of daily. Waste containers shall be cleaned daily.

(F) Dishes and utensils washed in water temperatures of less than one hundred fifty degrees Fahrenheit (150°F) and rinsed at less



than one hundred eighty degree Fahrenheit (180°F) shall be chemically sanitized. When single-tank, stationary-rack, and door-type machine using chemicals for sanitizing are used, the wash water shall not be less than one hundred twenty degrees Fahrenheit (120°F) and rinse water not less than seventy-five degrees Fahrenheit (75°F). If the dishwashing machine uses hot water for sanitizing, the wash water shall be at least one hundred fifty degrees Fahrenheit (150°F) and the final rinse at least one hundred-eighty degrees Fahrenheit (180°F). A test kit or other device that accurately measures the parts per million concentration of the solutions shall be provided and used.

(G) All dishes and utensils shall be air dried.

(H) Disposable towels and soap shall be available at the handwashing sink in the kitchen.

(I) A handwashing sign shall be posted in the restroom.

(J) Methods of insect and rodent control shall be used on a regularly scheduled basis.

(K) A product thermometer must be available and used to check internal food temperatures required.

(11) Nutrition service providers shall—

(A) Provide outreach services;

(B) Coordinate activities with the Missouri Department of Social Services, Family Support Division, to facilitate participation of eligible persons in the Supplemental Nutrition Assistance Program (SNAP) and assist service recipients in taking advantage of the benefits available to them under SNAP. All centers may be authorized to accept SNAP benefits; and

(C) Comply with the requirements of the area agency on aging regarding eligibility of individuals to receive nutrition services (see 19 CSR 15-4.240(6)–(8)).

(12) Senior Centers.

(A) Senior centers shall be visible within the community and located as close as possible to the majority of older adults.

(B) Physical Plant Requirements.

1. Senior centers shall have a minimum of fifteen (15) square feet per service recipient to assure adequate space for programs and activities. Food preparation, office, and storage areas are not included in this minimum.

2. Adequate storage space shall be available as well as adequate space for hanging and storing coats, wraps, and packages.

3. Senior centers shall be clean and have an attractive appearance. Walls, ceilings, floors, and furniture in a center shall be of

smooth, easily cleanable materials. Maintenance shall be performed daily to assure the center is clean, neat, and safe.

4. Adequate lavatory facilities shall be available. The number of rest rooms shall be adequate for the size of the facility and number of persons served with at least one (1) barrier-free restroom each for men and women.

(C) Each senior center shall provide—

1. Services to older adults at least five (5) days per week with sufficient hours to meet community needs;

2. Hot or other appropriate meals at least once a day, five (5) or more days a week;

3. A variety of supportive services;

4. An information area with a bulletin board, display rack, or other method of posting information which is easily accessible and well-lighted. Notices should be attractive, easy to read, and placed within eye level;

5. An easy-to-read posted monthly activities calendar in an area which is highly visible and accessible to service recipients; and

6. A posted, attractive, easy-to-read, weekly menu in a conspicuous location in the dining room on Friday of the week prior to service.

(13) Home-delivered meals service providers shall—

(A) Provide identification other than the meal container which is easily recognizable through a door or window for the person delivering the meals to the service recipient's home, such as an identification badge;

(B) Maintain a list in priority order of homebound persons requesting meals for which units of service are not available. Priority will be based on published criteria developed by the area agency on aging;

(C) Use insulated carriers to assure that foods delivered to home-delivered meal recipients are at the proper temperature, over one hundred forty degrees Fahrenheit (140°F) for hot food and at or below forty-one degrees Fahrenheit (41°F) for cold food. Frozen foods shall be delivered frozen. Check and record at least quarterly the temperature of hot and cold food items at the end of delivery on each home-delivered meal route. All equipment used in transporting foods shall have smooth cleanable surfaces, be cleaned and sanitized daily, or be disposable;

(D) Deliver hot foods to the service recipient within three and one-half (3 1/2) hours following end preparation time. Record time meal preparation ended and time last meal was delivered at least quarterly for each

route;

(E) Make available home-delivered meals at least once a day, five (5) or more days a week; and

(F) Arrange for the availability of meals to service recipients in weather-related emergencies.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.155 and 19 CSR 15-7.060. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed June 3, 1991, effective Oct. 31, 1991. Amended: Filed Nov. 14, 1991, effective March 9, 1992. Amended: Filed May 12, 2000, effective Nov. 30, 2000. Moved to 19 CSR 15-7.060, effective Aug. 28, 2001. ** Moved to 19 CSR 15-4.245 and amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

***Pursuant to Executive Order 21-07, 19 CSR 15-7.060 was suspended from April 3, 2020 through August 31, 2021.*

19 CSR 15-4.250 Area Agency on Aging Nutrition Services Incentive Program

PURPOSE: This rule requires area agency on aging participation in the Nutrition Services Incentive Program and describes the requirements for participating in the program.

(1) The area agency on aging shall accept and distribute funds received through the Nutrition Services Incentive Program (NSIP) to nutrition service providers based on the percentage of eligible meals served within the planning and service area.

(2) The area agency on aging shall develop procedures to assure that NSIP funds are used in compliance with requirements under Section 311 of the Older Americans Act. These procedures shall include but are not limited to the following:

(A) All funds received from NSIP shall be spent to purchase United States agricultural food items;

(B) All purchases made with NSIP funds shall be documented by one (1) of the following methods:

1. If food is purchased through bid, the invoice shall show the number of units and unit cost, with a copy of the bid specification attached that contains the following statement, "The food is to be United States-produced";

2. If food is purchased without bid, the



following procedures shall apply:

A. Invoices for bread and fresh dairy products must show the number of units and unit cost. These products are assumed to be United States-produced;

B. When canned goods, meat products, and produce are purchased on a continuing basis from a vendor, a letter from him/her stating that all food supplied to the nutrition center is United States-produced will be adequate documentation. The letter shall be renewed annually; and

C. Invoices for occasional purchases shall show the number of units, unit cost, and a statement assuring that the food was United States-produced; or

3. The contract for catered meals shall contain a clause stating the NSIP funds shall be spent for United States-produced foods only and shall inure only to the benefit of the nutrition program; and

(C) The area agency on aging will monitor the nutrition service provider to assure adequate documentation is maintained for all these purchases.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.150 and 13 CSR 15-4.250. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Moved to 19 CSR 15-4.250, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.260 Outreach Services

PURPOSE: This rule sets forth the requirements for outreach services and requires outreach training.

(1) Area agencies on aging shall provide outreach services to identify older adults and inform them of the availability of services. Outreach efforts should have special emphasis on rural older adults and on those with the greatest economic or social need. With respect to nutrition services, outreach efforts should ensure that the maximum number of eligible persons have an opportunity to receive services.

(2) The area agency on aging shall provide outreach training to outreach workers which shall include but not be limited to the following:

(A) An understanding of the limits to which workers can serve persons contacted;

(B) Problems of older adults;

(C) Methods of working with older adults;

(D) Sensitivity to needs of minority older adults; and

(E) Procedures for conducting outreach services and assessing effectiveness of outreach activities conducted.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.175 and 13 CSR 15-4.260. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.260, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.270 Legal Assistance

PURPOSE: This rule sets forth the requirements for legal assistance and establishes criteria that legal assistance providers shall meet.

(1) The area agency on aging shall award funds to the legal assistance provider(s) that most fully meets the following requirements. The legal assistance provider(s) shall—

(A) Have staff with expertise in specific areas of law affecting older adults with economic or social needs, for example, public benefits, institutionalization, and alternatives to institutionalization;

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

(C) Demonstrate the capacity to provide support to other advocacy efforts, for example, the long-term care ombudsman program;

(D) Demonstrate the capacity to deliver legal assistance to institutionalized, isolated and homebound older individuals effectively; and

(E) Demonstrate the capacity to provide legal assistance in the principal language spoken by clients in areas where a significant number of clients do not speak English as their principal language.

(2) A legal assistance provider may not require an older adult to disclose information about income or resources as a condition for providing legal assistance under this part. A legal assistance 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 adult may be eligible.

(3) Each legal assistance provider, its attorney and employees shall comply with the following regulations when engaged in the outside practice of law:

(A) No attorney shall engage 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;

(B) If the requirement of subsection (3)(A) is met, a provider may permit an attorney to engage in compensated outside practice of law when the attorney is newly employed and has a professional responsibility to close cases from a previous law practice and does so as expeditiously as possible;

(C) If the requirement of subsection (3)(A) is met, a provider may permit an attorney to engage in compensated outside practice of law when the attorney is acting pursuant to an appointment made under a court rule or practice of equal applicability to all attorneys in the jurisdiction and remits to the provider all compensation received; or

(D) If the requirement of subsection (3)(A) is met, a provider may permit an attorney to engage in uncompensated outside practice of law when the attorney is acting pursuant to an appointment made under a court rule or practice of equal applicability to all attorneys in the jurisdiction or on behalf of a close friend, family member, religious community or charitable group.

(4) A provider, employee of the provider or staff attorney shall not engage in the following prohibited political activities:

(A) A provider shall not contribute or make available Older Americans Act (the Act) funds or any personnel requirement to any political party or association to the campaign of any candidate for public or party office or for use in advocating or opposing any ballot measure, initiative or referendum;

(B) No employee intentionally shall identify the Title III program or provider with any partisan or nonpartisan political activity or with the campaign of any candidate for public or party office;

(C) No employee shall use any Act funds for activities prohibited to attorneys under subsection (4)(A); nor shall an employee intentionally identify or encourage others to identify the provider with those activities;

(D) While engaged in legal assistance activities (any activity carried out during an employee's working hours which uses resources provided under the Act, and, in fact, provides legal assistance to an eligible client), no employee and no staff attorney, at any time, shall—

1. Use official authority or influence for the purpose of interfering with or affecting



the result of an election or nomination for office, whether partisan or nonpartisan;

2. Coerce, directly or indirectly, attempt to coerce, command or advise an employee under the Act to pay, lend or contribute anything of value to a political party or committee, organizations, agency or person for political purposes; or

3. Be a candidate for partisan elective public office; and

(E) While engaged in legal assistance activities supported under the Act, no attorney shall engage in any—

1. Political activity;

2. Activity to provide voters with transportation to the polls or to provide similar assistance in connection with an election; or

3. Voter registration activity.

(5) No provider shall use funds received under the Act to provide legal assistance in a fee-generating case unless other adequate representation is unavailable. All providers shall establish procedures for the referral of fee-generating cases.

(A) Fee-generating case means any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal assistance from an award to a client, from public funds or from the opposing party.

(B) Other adequate representation is deemed to be unavailable when the provider had determined that fee referral is not possible due to any of the following:

1. The case has been rejected by the local lawyer-referral service or by two (2) private attorneys;

2. Neither the referral service nor any lawyer will consider the case without payment of a consultation fee; or

3. Emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate, and consistent with professional responsibility, referral will be attempted at a later time.

(C) Other adequate representation is deemed to be unavailable when—

1. Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other nonpecuniary relief or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims;

2. A court appoints a provider or an employee for a provider pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction; or

3. An eligible client is seeking benefits under Title II of the Social Security Act, 42 U.S.C. 401, Federal Old Age Act, Survivors and Disability Insurance Benefits; or Title XVI of the Social Security Act, 42 U.S.C. 1381, Supplemental Security Income for Aged, Blind, and Disabled.

(D) A provider may seek and accept a fee awarded or approved by a court or administrative body or included in a settlement if—

1. The requirements of subsections (4)(B) and (C) are met; and

2. Funds received are not used for purposes prohibited by the Act.

(E) When a case or matter subject to this section results in a recovery of damages, other than statutory benefits, a provider may accept reimbursement from the client for out-of-pocket costs and expenses incurred in connection with the case or matter, if the—

1. Requirements of subsections (4)(B) and (C) are met; and

2. Client has agreed in writing to reimburse the provider for these costs and expenses.

(6) While carrying out legal assistance activities funded under the Act, no employee shall—

(A) Knowingly participate in any public demonstration, picketing, boycott or strike, except as permitted by law in connection with the employee's own employment situation;

(B) Intentionally exhort, direct or coerce others to engage in those activities or otherwise usurp or invade the rightful authority of a client to determine what course of action to follow; and

(C) Be prohibited, if an attorney, by any provision of this section from—

1. Informing and advising a client about legal alternatives to litigation or the lawful conduct of litigation; or

2. Fulfilling the professional responsibilities of an attorney to a client.

(7) No funds made available to a provider under the Act shall be used, at any time, directly or indirectly, to support activities intended to influence the issuance, amendment or revocation of any executive or administrative order or regulation of a federal, state or local agency or to undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any state or local legislative body or state proposals by initiative petition, except that an employee may—

(A) Respond to a request from a governmental agency or a legislative body, committee or member made to the employee or to a recipient to testify, draft or review measures

or to make representation to the agency, body, committee or member on a specific matter; or

(B) Engage in the activities at the request of an eligible client of a provider, to the extent the activities are necessary to the provision of legal advice and representation to a client who has sought this legal advice and representation with respect to particular legal rights and responsibilities which would be affected by particular legislation or administrative measures, but no employee shall solicit a client in violation of professional responsibilities for the purpose of making the representation possible.

(8) Providers shall adopt procedures and forms to document that the legislative and administrative activities in which they engage fall within the activities permitted in 45 CFR section 1321.71.

(A) With respect to activities permitted under subsection (7)(A), a written request signed by an official of the governmental agency or a member of the legislative body or committee making the request which states the type of representation or assistance required and identified the executive or administrative order, regulation or legislation to be addressed;

(B) With respect to activities permitted under subsection (7)(B), a retainer agreement signed by the client(s) represented, or by an official of the client group in the case of a group client, which agreement shall specify the legislative or administrative measure on which representation is sought (appearance at a hearing, legislative drafting, etc.) and which shall include a statement of the client's direct interest in the particular legislative or administrative measure to be addressed; and

(C) Providers shall obtain the documentation required by this section prior to undertaking any of the activities permitted by subsection (7)(A) or (B) in the absence of a written request provided that the fact, nature and circumstances of the request are subsequently documented in writing and signed by the requesting authority.

(9) No funds made available under the Act shall be used to—

(A) Maintain separate offices for the sole purpose of engaging in legislative activity;

(B) Pay dues to any organization (other than a bar association) a substantial purpose or function of which is to take positions on matters pending before legislative or administrative bodies;

(C) Pay for transportation to legislative or administrative proceedings of persons other than employees engaged in activities permitted



under this section or witnesses entering appearances in the proceedings on behalf of clients of the providers, except that those funds may be used to transport the client where necessary and appropriate. This subsection does not authorize payment of transportation expenses for employees not actually engaged in permitted representation activities;

(D) Pay, in whole or in part for the conduct of, or transportation to, an event if a primary purpose of expenditure is to facilitate lobbying or any other activity which would be prohibited if conducted with funds made available under the Act;

(E) Pay for administrative or related costs associated with any activity prohibited by this part; or

(F) Assist others, through legislative liaison activities, to influence legislation in a manner that would be prohibited if undertaken with funds made available under the Act. Legislative liaison activities include, but are not limited to, attending legislative sessions or committee hearings, gathering information regarding pending legislation and analyzing the effect of pending legislation.

(10) Notwithstanding the provisions of subsection (7)(A), providers shall not use funds made available under the Act for publicity or propaganda purposes designed to support or defeat proposed legislation or legislation pending before Congress or any state legislature. For purpose of this regulation, publicity or propaganda means any oral communication or any advertisement, telegram, letter, article, newsletter or other printed or written matter or device which contains a direct suggestion or, when taken as a whole, an indirect suggestion to the public at large or to selected individuals to contact elected representatives in support of or in opposition to pending or proposed legislation.

(11) No funds made available to a provider under the Act shall be used to support the preparation, production, and dissemination of any article, newsletter, or other publication or written matter for general distribution which contains any reference to proposed or pending legislation unless—

(A) The publication does not contain any publicity or propaganda prohibited by section (10);

(B) The provider has adopted a policy requiring the provider's executive director, or his/her designee, to review each application produced by the provider prior to its dissemination for conformity to these regulations;

(C) The provider provides a copy of any such material produced by the provider to the

area agency on aging within thirty (30) days after publication; and

(D) These funds are used only for costs incident to the preparation, production, and dissemination of publications to providers, providers' staff, and board members, private attorneys representing eligible clients and the area agency on aging, as opposed to the public at large.

(12) Notwithstanding the provisions of section (7), no funds made available to a provider under the Act shall be used, directly or indirectly, to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter or other device, intended or designed to influence any decision by a federal, state or local agency, except where legal assistance is provided by an employee of a provider to an eligible client on a particular application, claim or case, which directly involves the client's legal rights and responsibilities or to influence any member of Congress or any other federal, state or local elected officials to favor or oppose any acts, bills, resolutions or similar legislation or any referendum, initiative, constitutional amendment or any similar procedure of Congress, any state legislature, any local council or any similar governing body, except that this subsection shall not preclude funds from being used in connection with communications made in response to any federal, state or local official upon a specific matter.

(A) The exception for communications to officials does not authorize communication with anyone other than the requesting party.

(B) No employee of the provider, directly or indirectly, shall solicit a request from any official to testify or otherwise advocate the support or defeat of legislative measures.

(13) Nothing in this section is intended to prohibit an employee from—

(A) Communicating with a governmental agency for the purpose of obtaining information, clarification or interpretation of the agency's rules, practices or policies;

(B) Informing a client about a new or proposed statute, executive order or administrative regulation consistent with the requirements of sections (10) and (11);

(C) Responding to an individual client's request for advice only with respect to the client's own communications to officials unless otherwise prohibited by the Older Americans Act, Title III regulations or other applicable law. This provision does not authorize publication or training of a client on lobbying techniques or the composition of a communication for the client's use; or

(D) Making direct contact with the area agency on aging for any purpose.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.180 and 13 CSR 15-4.270. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.270, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.280 Ombudsman Services

PURPOSE: This rule requires the area agency on aging to support the statewide Long-Term Care Ombudsman program and establishes criteria for funding local programs.

(1) The area agency on aging shall conduct ombudsman activities that support the division-administered Long-Term Care Ombudsman program. The area agency on aging may award funds for the provision of a Long-Term Care Ombudsman program and that award shall be based on a consideration of the degree to which the ombudsman service provider has—

(A) Established measurable objectives;

(B) Identified facilities in the project area;

(C) Developed a plan for informing and serving the older residents of the identified facilities; and

(D) Developed a plan for recordkeeping that includes such data as to the nature of the complaints received, efforts made to resolve complaints and procedures to maintain the confidentiality of service recipient records and files.

AUTHORITY: sections 192.2000 and 192.2310, RSMo 2016. This rule was previously filed as 13 CSR 15-6.185 and 13 CSR 15-4.280. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.280, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014, and 192.2310, RSMo 1991, amended 2014.*

19 CSR 15-4.290 Information and Assistance

PURPOSE: This rule requires the area agency on aging to provide information and assistance services and describes the requirements



for operating the program.

(1) The area agency on aging shall provide information and assistance services sufficient to ensure that all older adults within the planning and service area have reasonably convenient access to information about the services available within their geographic region.

(2) The area agency on aging shall comply with divisional standards for information and assistance services (see 19 CSR 15-4.295).

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.190 and 13 CSR 15-4.290. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.290, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.295 Information and Assistance Service Standards

PURPOSE: This rule sets forth minimum standards for information and assistance service providers to assure that all older adults within a planning and service area have reasonable access to services.

(1) A unit of service is one contact.

(A) A contact is an individual encounter with a client or their advocate.

(B) A contact may be a simple, one-time inquiry, or one which requires follow-up. Contact may be by phone, in person or in writing, or by electronic means such as fax or e-mail.

(2) The service provider shall—

(A) Identify target groups within the project area having the greatest need for services;

(B) Develop a plan for informing and serving the identified target group, establishing measurable objectives;

(C) Establish liaison with other information and assistance programs including services available through the Social Security Administration;

(D) Develop a plan for record keeping which includes data from the nature of requests received, the agencies to which the caller was referred and the service to which the caller was directed or referred;

(E) Maintain a file with respect to current resources and services available to the target population;

(F) Utilize staff specially trained to inform older adults or their advocates of the opportunities and services available;

(G) Develop a plan to provide services in the language spoken by the target population, if other than English; and

(H) Establish a plan for the follow-up of referrals.

(3) Additional services may include advocacy, case management, public information and education.

(4) The information and assistance staff shall be composed of competent, ethical, qualified individuals, paid or volunteer, sufficient in number to carry out administrative and service responsibilities. Service responsibilities shall include:

(A) Maintaining an up-to-date resource file;

(B) Providing information to all inquirers;

(C) Providing referral and follow-up as needed;

(D) Conducting public information and education activities; and

(E) Collecting data on inquirers and maintaining confidential, accurate and up-to-date records.

(5) Training shall be provided to all information and assistance staff, paid and volunteer, to ensure adequate delivery of information and assistance services. Training shall consist of the following components:

(A) Preservice orientations and training which should include:

1. The role, purpose, and function of the information and assistance service;

2. Skills training in the areas of interviewing techniques, attitudes, listening, communications, proper telephone usage, assessment techniques, information and assistance procedures, follow-up, data reading, maintenance of records, use of resource file; and

3. Recognizing abuse/neglect and exploitation of older adults, the requirements and limitations of sections 192.2400–192.2505, RSMo, and procedures for reporting to the division's hotline;

(B) On-the-job training which should consist of a program of increasing levels of involvement in handling inquiries, beginning with observation and ending with full responsibility for handling inquiries; and

(C) In-service training provided on a regular basis which should include the refinement and updating of the staff's understanding and knowledge of appropriate topics, including the operation of human service systems (legal, health, aging, welfare, governmental, education, advocacy and the like) and shall

address techniques that assist staff in maintaining appropriate personal perspective.

(6) Information and assistance service staff shall maintain an accurate resource file which shall be updated periodically by—

(A) Conducting a general survey of existing organization(s) and service(s) available; and

(B) Making site visits to the organizations and services, as necessary.

(7) The resource file shall contain a list of public, private, and voluntary organizations that provide essential human services and opportunities to older adults. Each organization listing shall include at least:

(A) The legal name, common name, address, telephone number, hours and days of service of the organization;

(B) The service(s) provided by the organization;

(C) The eligibility requirements and intake procedures of the organization;

(D) Application procedures required by organization (for example, birth certificate, other documents); and

(E) The cost of service (the word sliding scale may be sufficient).

(8) Records shall be maintained of all transactions. Reports shall be in a manner that identification of older adults who use the service is not revealed or accessible to anyone other than staff members assisting them.

(9) In the event a referral is made which requires follow-up, a client intake form shall be started. Client intake instruments shall have the capacity to gather at least the following information:

(A) Family name, address, apartment, street, city or town, county, zip code, telephone number (business and home);

(B) Name of primary inquirer for which services are sought (if other than caller);

(C) Problem(s);

(D) Service needed; organization(s) to which inquirer was referred;

(E) Nature of request (information or referral, or both); and

(F) Means of contact (for example letter, telephone, walk-in).

(10) If follow-up is provided, the results of the follow-up shall indicate the final disposition and notation shall be made as to whether service is—

(A) Completed;

(B) Ongoing; or

(C) Incomplete because of, but not limited to—



1. Insufficient availability of service;
2. Inquirer's refusal to accept available service;
3. Inquirer's refusal or unwillingness to contact service; or
4. Failure of inquirer to meet eligibility requirements (for example, income, residence, age, or sex of the inquirer).

(11) The service provider annually shall prepare and submit to the division reports of services and service agencies about which information given or to which referrals were made and the results of follow-up efforts with service providers and persons who sought assistance.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.191 and 19 CSR 15-7.050. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-7.050, effective Aug. 28, 2001. Moved to 19 CSR 15-4.295 and amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000 RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.300 Record Keeping and Confidentiality

PURPOSE: This rule establishes the length of time that the division, area agencies on aging, and service providers shall maintain records and the standards by which confidentiality of records will be maintained.

(1) The division, area agencies on aging, and service providers shall maintain all records under Title III for a minimum of three (3) years; Social Services Block Grant records shall be maintained for five (5) years.

(2) The division, area agencies on aging, and service providers shall maintain the confidentiality of records as follows:

(A) All records that identify individual recipients of alternative services shall be confidential and may be released, for administrative and program monitoring purposes only, to the following:

1. Designated employees of the United States Department of Health and Human Services, Administration for Community Living (ACL);
2. Designated employees of the Missouri Department of Health and Senior Services and the Division of Senior and Disability Services;
3. Designated employees of the area

agency on aging or service provider; or

4. Court of competent jurisdiction, when subpoenaed;

(B) No information or records maintained by the Long-Term Care Ombudsman program may be disclosed unless the Long-Term Care Ombudsman authorizes the disclosure;

(C) Lists of names of older adults shall be used for the purpose of providing services and shall not be distributed, released, or used for any other reason;

(D) Records that contain confidential client information shall be released only for purposes of program monitoring by an authorized federal, state, or local monitoring agency, unless—

1. The service recipient or their legal representative has given informed consent prior to the release of that information;

2. The signed release indicates to whom the information will be given;

3. Indicates the specific information to be released; and

4. Specifies the inclusive dates for which the written consent is valid.

(E) Program, fiscal and statistical records that do not identify individual service recipients are not confidential and shall be made available for public inspection upon written request.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.015 and 13 CSR 15-4.300. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.300, effective Aug. 28, 2001. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.310 Corporate Eldercare (Rescinded August 30, 2018)

AUTHORITY: section 660.050, RSMo Supp. 1999. This rule previously filed as 13 CSR 15-4.310. Original rule filed June 16, 1992, effective Jan. 15, 1993. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.310, effective Aug. 28, 2001. Rescinded: Filed Jan. 5, 2018, effective Aug. 30, 2018.

19 CSR 15-4.410 Transportation Service Standards

PURPOSE: This rule sets forth the minimum standards to be met by a transportation service provider receiving state or federal funds

for the operation of transportation services for adults sixty years of age and over and adults with disabilities between ages eighteen and fifty-nine and applies to all transportation service delivery systems, both direct and indirect.

(1) Contracted transportation service providers and transportation service provided directly by the area agency on aging to eligible service recipients shall meet the following requirements:

(A) Have sufficient phones and personnel to handle calls regarding the service;

(B) Develop and operate an efficient system for scheduling trips to assure that the service is dependable and no passenger is left stranded;

(C) Service will be provided for the duration of a contract period or as agreed upon by the area agency on aging and service provider;

(D) Have a program manual available to all employees and volunteers detailing its operational policies, procedures, and general requirements applicable to service provision. Program manual shall include:

1. Safety precautions for drivers and passengers;

2. Information on the procedure for denial of service, provided in sections (4)–(7);

(E) Ensure all drivers have completed orientation training prior to transporting eligible service recipients;

(F) Ensure that all drivers of any vehicle used in transportation have a valid driver's license as required by Missouri law—

1. Class F: required to transport for pay for a transportation network company;

2. Class E: required to transport for pay up to fourteen (14) passengers unless working for a transportation network company; or

3. CDL: required for transporting for pay fifteen (15) or more passengers;

(G) Ensure that all vehicles used for transportation shall be in compliance with all state and federal laws, rules, and regulations including the Americans with Disabilities Act; and

(H) Be in compliance with all general requirements for service providers provided in 19 CSR 15-7.010.

(2) Any driver, using personally-owned vehicles to transport service recipients shall maintain proper vehicle insurance and shall sign an agreement indicating understanding and acceptance of liability.

(3) Vehicles shall meet the following requirements:



(A) All vehicles shall be licensed and registered in accordance with Missouri law;

(B) All vehicles shall receive a vehicle safety inspection, as required by state law, and shall be clean and in good repair;

(C) All vehicles shall carry safety equipment as required by Missouri law;

(D) All vehicles shall have for each passenger an available seat that is securely fastened to the floor of the vehicle. Cars and vans shall have a useable seat belt, and include seat belt extenders as needed, for each person being transported;

(E) All vans and buses shall be in ADA compliance in accordance with 49 CFR Part 38, Subpart B; and

(F) All vehicles shall be insured in accordance with Missouri law.

(4) Drivers are authorized to deny transportation to a service recipient attempting to board the vehicle who, in the judgment of the driver—

(A) Is intoxicated;

(B) Is too ill or experiencing an emergency health episode;

(C) Has a mobility limitation that prevents safe entry or exit from the vehicle even with reasonable human or mechanical assistance;

(D) Demonstrates violent or unruly behavior; or

(E) Insists on transporting prohibited items.

(5) Drivers shall report incidents of denial of transportation to the transportation service provider. Written documentation of each incident shall be maintained.

(6) Without written approval of the contracting agency, the transportation service provider shall not suspend service to a passenger for more than five (5) consecutive days due to problems with the service recipient.

(7) The transportation service provider shall submit to the contracting agency a written request to suspend service indefinitely to any service recipient who, in the provider's judgment, exhibits behavior—

(A) That is contrary to these standards; or

(B) Which has been and continues to be hazardous to the safety of self or others.

AUTHORITY: section 192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.165 and 19 CSR 15-7.040. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Aug 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-7.040, effective Aug. 28, 2001. Moved to 19 CSR 15-*

4.410 and amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.

**Original authority: 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*

19 CSR 15-4.440 Division Formal Hearings

PURPOSE: This rule requires the division to provide the opportunity for a formal hearing, describes when a formal hearing may be requested and the procedures to be followed.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The division shall provide the opportunity for a formal hearing, under the following circumstances:

(A) To an area agency when the division finds that any provision of the area plan or plan amendment is not approvable and the division proposes to disapprove the area plan or plan amendment;

(B) To an area agency on aging when the division proposes to withdraw its designation in accordance with 19 CSR 15-4.080;

(C) To any applicant for designation as a planning and service area whose application is denied by the division;

(D) To any nutrition project that was receiving funds under the former Title VII of the Act on September 30, 1978, that an area agency proposes to defund except as provided in 45 CFR Part 75 and has appealed the determination through the area agency on aging grievance procedure; and

(E) To any other service provider whose application to provide services is denied or whose subgrant or contract is terminated or not renewed except as provided in 45 CFR Part 75 and has appealed the determination through the area agency on aging grievance procedure.

(2) A written request for a formal hearing shall be filed with the director within thirty (30) calendar days following receipt of notice of the adverse action to be appealed. The written request shall state clearly the actions to be reviewed and enumerate the issues to be resolved.

(A) The director shall designate a hearing officer that is an impartial decision-maker to hear all appeals. The designated hearing officer shall be the director or director's designee.

(B) The designated hearing officer is responsible for arranging the formal hearing and, within fifteen (15) calendar days of receipt of a request for hearing, shall send written notification to all parties advising of the date, time, and location of the hearing.

(C) The hearing shall be completed one hundred twenty (120) calendar days of the date the request for hearing was received by the division.

(D) The purpose of the hearing shall be to receive factual information, both verbal and written, related to the identified issues.

(E) Letters and other written material regarding matters at issue shall be considered correspondence and shall not be considered as part of the information or the record unless formally introduced by the parties involved and admitted by the designated hearing officer.

(3) The designated hearing officer shall assure that the aggrieved party received timely written notice of the determination that is being appealed which included the following:

(A) Explanation of the reasons for the determination and the evidence on which the determination was based;

(B) Provision for the opportunity to review any pertinent evidence upon which the determination was based; and

(C) Notification of the right to appeal the determination.

(4) The designated hearing officer shall assure that in the conduct of the hearing the aggrieved party shall have an opportunity to—

(A) Appear in person to refute the basis for the decision;

(B) Be represented by counsel or other representative;

(C) Present witnesses and documentary evidence; and

(D) Cross-examine witnesses.

(5) The designated hearing officer shall conduct a fair hearing, avoid delays, and maintain order. The designated hearing officer shall have the authority to—

(A) Regulate the course of the hearing;

(B) Regulate the participation and conduct of the parties and others at the hearing;

(C) Rule on procedural matters;

(D) Question all persons presenting information;

(E) Receive or exclude information; and



(F) Rule on or limit information.

(6) The designated hearing officer shall designate a reporter for the hearing who shall maintain a record of the proceedings. The record shall consist of the verbatim (tape-recorded) information, exhibits, rulings, decisions, and all other pertinent papers and requests, except for correspondence.

(7) The designated hearing officer shall issue a final written decision, within sixty (60) calendar days of the date of the hearing, which sets forth the reasons for the division's decision and the evidence on which the decision is based.

(8) The division may terminate the formal hearing procedures at any point if the division and/or aggrieved parties negotiate a written agreement, signed by both parties, that resolves the issue(s) which led to the hearing.

(9) The division shall notify an applicant for designation as a planning and service area who receives an adverse decision from the division's formal hearing of the right to appeal to the assistant secretary.

(10) The division shall retain the complete record for a period of at least three (3) years following the date of the hearing.

AUTHORITY: sections 251.070, 536.023, and 192.2000, RSMo 2016. Executive Order of the Governor filed Jan. 31, 1979, effective Oct. 1, 1979 and in compliance with 45 CFR 1321.15(b)(2). This rule previously filed as 13 CSR 15-6.025 and 19 CSR 15-6.025. Original rule filed Feb. 10, 1982, effective May 11, 1982. Moved to 19 CSR 15-6.025, effective Aug. 28, 2001. Moved to 19 CSR 15-4.440 and amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 251.070, RSMo 1967; 536.023, RSMo 1975, amended 1976, 1997, 2004; and 192.2000, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995, 2001, 2014.*