NOTICE OF INTENT
Office of the Governor
Office of Elderly Affairs

Policy and Procedure Manual
(LAC Chapter 11 1101 through 1245)

In accordance with the Administrative Procedures Act, R.S. 49:950(B) et seq., the Governor’s Office of Elderly Affairs proposes to amend and repeal LAC 4, Part VII, Chapter 11, §§1101 through 1245, regarding policy and procedures for Area Agency on Aging, Councils on Aging, and Ombudsman.

The purpose of this proposed Rule is to clarify the requirements for Area Agency on Aging, Councils on Aging, and Ombudsman regarding procedures. There will be no adverse fiscal impact on the state as a result of this Rule inasmuch as funding is appropriated by law or by an approved formula to disburse state of federal funds.

Title 4
ADMINISTRATION
Part VII. Governor’s Office
Chapter 11. Elderly Affairs
Subchapter A. State Agency on Aging
§1101. Office of Elderly Affairs

A. Authority, Organization and Purpose
1. Chapter 7 of Title 46 of the Louisiana Revised Statutes of 1950 (R.S. 46:931 et seq.) provides for the establishment and administration of the Office of Elderly Affairs (GOEA) within the Office of the Governor.

2. GOEA serves as the focal point for the development and administration of public policy regarding Louisiana’s elderly citizens. GOEA is the sole state agency designated by the governor and the legislature to develop and administer the state plan on aging. GOEA also administers the Long Term Care Ombudsman Program.

B. Powers and Responsibilities
1. GOEA has the following powers and duties under state law:
   a. to administer the Older Americans Act and related programs;
   b. to collect facts and statistics and make special studies of conditions pertaining to the employment, health, financial status, recreation, social adjustment or other conditions affecting the welfare of the aged;
   c. to keep abreast of the latest developments in aging throughout the nation and to interpret such findings to public;
   d. to provide for a mutual exchange of ideas and information on the national, state, and local levels;
   e. to conduct hearings and to subpoena witnesses;
   f. to make recommendations to the governor and to the legislature for needed improvements and additional resources to promote the welfare of the aging in the state;
   g. to adopt and promulgate rules and regulations deemed necessary to implement the provisions of the law in accordance with the Administrative Procedure Act;
   h. to exercise the functions of the state relative to nutrition programs for the elderly and handicapped citizens of Louisiana;
   i. to operate the Office of the State Long Term Care Ombudsman;
   j. to administer all federal funds appropriated, allocated, or otherwise made available to the state for services to the elderly, whether by block grant or in any other form, with the exception of funds for programs administered by the Department of Children and Family Services or the Department of Health and Hospitals, on August 15, 1995, and to distribute those funds in accordance with and consistent with R.S. 46:936;
   k. to approve recommendations from any parish voluntary council on aging prior to the creation of a new state-funded senior center in the state, and
   l. to provide meeting space and staff support for the Executive Board on Aging [R.S. 46:933(G)].

C. Functions of the Governor’s Office of Elderly Affairs
1. Administrative Functions—
   a. to develop and follow written policies in carrying out its functions under state and federal laws and regulations;
   b. to develop and enforce policies governing all aspects of programs operating under the Older Americans Act, whether operated directly or under contract;
   c. to manage and control funds received from federal and state sources;

2. Advocacy Functions—
   a. to review, monitor, evaluate and comment on all federal, state and local plans, budgets, regulations, programs, laws, levies, hearings, policies, and actions which affect or may affect older individuals and recommend any changes in these which GOEA considers to be appropriate;
   b. to review and comment, upon request, on applications to state and federal agencies for assistance in meeting the needs of the elderly;
   c. to consolidate and coordinate multiple state and federal resources to facilitate the development of comprehensive community-based services for the elderly;
   d. to develop financial resources for programs on aging beyond those allocated under the Older Americans Act.

3. Service Systems Development Functions—
   a. to develop and administer the state plan on aging;
   b. to be primarily responsible for the planning, policy development, administration, coordination, priority setting and evaluation of all state activities related to the objectives of the Older Americans Act;
   c. to divide the state into distinct planning and service areas, in accordance with guidelines issued by the Administration on Aging;
   d. to designate for each planning and service area after consideration of the views offered by the unit or units of general purpose local government in such area, a public or private nonprofit agency or organization as the area agency on aging (AAA) for such area;
   e. in consultation with area agencies on aging, in accordance with guidelines issued by the Administration on Aging, and using the best available data, to develop and publish, for review and comment, a formula for distribution within the state of funds received under Title III of the Older Americans Act that takes into account:
      i. the geographical distribution of older individuals in the state; and
      ii. the distribution among planning and service areas of older individuals with greatest economic need
and/or greatest social need, with particular attention to low-income minority older individuals;

f. to develop Elder Rights Protection Systems focused on protecting the rights of vulnerable older individuals who reside in the community and in institutional settings. It includes the provision of Long Term Care Ombudsman services; Legal Assistance Development.

D. Governor's Office of Elderly Affairs Administration

1. Policies

a. OEA shall develop and enforce written policies in carrying out its functions under state and federal laws and regulations. These policies shall be developed in consultation with other appropriate parties within the state. OEA shall keep its policies current, and revise them as necessary in accordance with the Louisiana Administrative Procedure Act.

2. Program Monitoring

a. OEA shall monitor the performance of all programs and activities initiated under the Older Americans Act for quality and effectiveness:


The Louisiana Executive Board on Aging

Repealed.

- AUTHORITIES NOTE: Promulgated in accordance with R.S. 46:933, R.S. 46:934 and OAA Sections 305(a)(1) and 307(a)(1).


Planning and Service Area Designation

Repealed.

- AUTHORITIES NOTE: Promulgated in accordance with R.S. 46:932.


Area Agency on Aging Designation

Repealed.

- AUTHORITIES NOTE: Promulgated in accordance with R.S. 46:932, R.S. 46:935 and OAA Section 305(a)(1).


Subchapter B. Area Agency on Aging

§1121. Definitions

Repealed.

- AUTHORITIES NOTE: Promulgated in accordance with OAA Section 305(a)(2)(A).


Purpose of the Area Agency on Aging

Repealed.

- AUTHORITIES NOTE: Promulgated in accordance with OAA Section 302(l).


Area Agency on Aging Standards

Repealed.

- AUTHORITIES NOTE: Promulgated in accordance with OAA Sections 306(a)(1), 306(a)(6)(i), 306(a)(7), 306(a)(12), and 321(c).


Area Agency on Aging Responsibilities

Repealed.

- AUTHORITY NOTE: Promulgated in accordance with OAA Section 306 and 45 CFR 1321.61(a)(4).


Area Agency on Aging Governing Body

Repealed.

- AUTHORITY NOTE: Promulgated in accordance with OAA Section 305(c)(4) and Section 307(a)(11).


Area Agency on Aging Advisory Council

Repealed.

- AUTHORITY NOTE: Promulgated in accordance with OAA Sections 306(a)(6)(F) and 45 CFR 1321.57.


Area Plan

Repealed.

- AUTHORITY NOTE: Promulgated in accordance with OAA Section 306, and Section 307.


Program Administration

Repealed.

- AUTHORITY NOTE: Promulgated in accordance with OAA Section 306 and Section 307(a)(13)(C).


Services to Special Populations

Repealed.

- AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(5) and 45 CFR 1321.39.


State Agency Approval of Area Agency on Aging Contracts

Repealed.

- AUTHORITY NOTE: Promulgated in accordance with OAA Section 212 and 45 CFR 1321.55.

- HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984),
§1141. Priority Services
Repealed.

§1142. Service Procurement
Repealed.

§1143. Service Procurement
Repealed.

§1144. Service Procurement
Repealed.

§1145. Establishment of Parish Councils on Aging
A. Issuance of Charters. Charters for the establishment of parish voluntary councils on aging (hereafter referred to as "council on aging") are issued by the Secretary of State upon the approval of applications by the Governor's Office of Elderly Affairs (OEA) pursuant to R.S. 46:1602. Immediately upon issuance of the charter by the Secretary of State, each council on aging is authorized to receive public funds from any governmental or political subdivision. Such funds shall be subject to audit by OEA and the legislative auditor, or his duly appointed representative.

B. Governance
1. The functions of each council on aging shall comply with the objectives of state law and shall be governed by the policies and regulations established by the Governor's Office of Elderly Affairs. Copies of such policies and regulations shall be furnished to each council on aging by OEA prior to their effective date.
2. Each council on aging shall be voluntary as to its membership and as to all plans, programs, and activities, and each shall be non-profit making and politically non-partisan and non-factional and shall be non-sectarian.

§1151. Membership
Repealed.

§1152. Council on Aging Board of Directors
Repealed.

§1153. Administrative and Personnel Responsibilities
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1471 (August 1999), repealed LR 42:

§1154. Fiscal Responsibility
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1471 (August 1999), repealed LR 42:

§1155. General Requirements
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1472 (August 1999), repealed LR 42:

§1156. Dissolution of Councils on Aging
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1473 (August 1999), repealed LR 42:

Subchapter C. Councils on Aging

§1157. Advisory Role of Older Persons to Full Services Providers
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1474 (August 1999), repealed LR 42:

§1158. Administrative and Personnel Responsibilities
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1475 (August 1999), repealed LR 42:

§1159. Fiscal Responsibility
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1471 (August 1999), repealed LR 42:

§1160. General Requirements
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1472 (August 1999), repealed LR 42:

§1161. General Requirements
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1473 (August 1999), repealed LR 42:

Subchapter D. Service Provider Responsibilities

§1162. General Requirements
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1474 (August 1999), repealed LR 42:

§1163. Fiscal Responsibility
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1475 (August 1999), repealed LR 42:

§1164. General Requirements
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1476 (August 1999), repealed LR 42:

§1165. Fiscal Responsibility
Repealed.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1477 (August 1999), repealed LR 42:
§1181. Facility Standards
Repealed.
AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1321.5(e) and CFR 1321.11.

§1183. Civil Rights
Repealed.
AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1321.5(c) and CFR 1321.11.

§1185. Political Activity
Repealed.
AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932 and CFR 1321.11.

§1187. Outreach and Coordination Requirements
Repealed.
AUTHORITY NOTE: Promulgated in accordance with OAA Section 306(a)(5)(B), Section 307(a)(13)(E), Section 307(a)(20)(A), Section 307(a)(17), Section 306(a)(6)(H), and Section 306(a)(6)(K), CFR 1321.11 and 45 CFR 1321.65.

§1189. Records and Reports
Repealed.
AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(4) and CFR 1321.11.

§1191. Confidentiality and Disclosure of Information
Repealed.
AUTHORITY NOTE: Promulgated in accordance with CFR 1321.11 and CFR 1321.51.

§1193. Financial Resource Development
Repealed.
AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(7) and CFR 1321.11.

§1195. Contributions for Older Americans Act Title III Services
Repealed.
AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(13)(C), and 45 CFR 1321.67.

§1197. Program Income
Repealed.
AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(7), 45 CFR 1321.67, 45 CFR 1321.73 and 45 CFR 92.25.

§1199. Property Control and Disposition
Repealed.
AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(7), 45 CFR Subtitle A, Part 92.31 and 92.32 and 45 CFR Part 74 Subpart O.

§1201. Purchasing
Repealed.
AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(7).

§1203. Applicable Laws and Standards
A. Service providers shall comply with all OEA licensing standards, all applicable accrediting standards, any applicable federal standards and all applicable state and federal laws.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1231.9(e)(3).

§1207. Monitoring by the Office of Elderly Affairs
Repealed.
AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(8).

§1209. Eldercare/Case Management
Repealed.
AUTHORITY NOTE: Promulgated in accordance with OAA Section 306(a)(2) and Section 307(a)(5).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:1376 (December 1992), repealed LR 42.

Subchapter E. Uniform Service Requirements
§1215. Service Recipient Priorities and Eligibility Requirements
Repealed.
AUTHORITY NOTE: Promulgated in accordance with OAA Section 102(29), Section 102(30), Section 305(a)(2)(E), Section 306(a)(1), Section 307(a)(24), and 45 CFR 1321.65 and 1321.69.

§1217. Uniform Definitions of Services for the Aging
Repealed.
AUTHORITY NOTE: Promulgated in accordance with OAA Section 211 and Section 307(a).

§1219. Title III-B Supportive Services and Senior Centers
Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 321 and 45 CFR 1321.63.


§1223. Title III-C Nutrition Services
Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(13), Section 313, and Section 336.


§1225. Legal Assistance Program
Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(15), and Section 307(a)(18).


§1227. Information and Assistance Service Requirements
Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(9), and Section 306(a)(4).


§1229. Office of the Long Term Care Ombudsman
A. Purpose. The purpose of the Louisiana Office of the Long Term Care Ombudsman is to ensure that residents of long term care facilities receive the quality of life to which they are entitled.


§1231. Senior Community Service Employment Program
A. Purpose. The purpose of the Senior Community Service Employment Program is to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older and who have poor employment prospects, and in order to foster individual economic self-sufficiency and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 501, 20 CFR Part 674 and 20 CFR Part 89.


§1233. State Funded Senior Center Operation
Repealed.


§1235. Federally Funded Multipurpose Senior Centers
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932, 45 CFR 1321.75, OAA Sec. 307, 312, and 321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:735 (July 1992), repealed LR 42:

§1239. Protective Services for the Elderly
A. Overview of Elderly Protective Services
1. Purpose. The purpose of Protective Services is to protect adults who cannot physically or mentally protect themselves and who are harmed or threatened with harm through action or inaction by themselves or by the individuals responsible for their care or by other persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:403.2.


§1241. Eldercare/Case Management
Repeal

AUTHORITY NOTE: Promulgated in accordance with OAA Section 306(a)(2) and Section 307(a)(5).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:1376 (December 1992), repealed LR 42:

§1243. Frail Elderly Program
Repeal

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:937.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 19:1422 (November 1993), repromulgated LR 20:48 (January 1994), repealed LR 42:

§1245. Family Caregiver Support Program
A. Purpose. The purpose of the Family Caregiver Support Program is to provide multifaceted systems of support services for family caregivers and for grandparents or older individuals who are relative caregivers.


HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 27:1518 (September 2001), amended LR 31:1331 (June 2005), LR 42:

Family Impact Statement
The proposed Rule is not anticipated to have an impact on family formation, ability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement
The proposed Rule is not anticipated to have any impact on
1. household income, assets, and financial security
2. early childhood or educational development
3. employment and workforce development  
4. taxes and tax credits  
5. child and independent care, housing, health care, nutrition, transportation, and utilities assistance. 

**Small Business Statement**  
The impact of the proposed Rule is not anticipated to have an adverse impact on small business as defined in the Regulatory Flexibility Act. 

**Provider Impact Statement**  
The proposed rulemaking is not anticipated to have an impact on providers of services funded by the state as described in HCR170 of the 2014 Regular Legislative Session. 

**Public Comments**  
Interested persons may submit written comments on these proposed Rule changes until 4:30 p.m., June 28, 2016, to Margaret McGarity, Office of Elderly Affairs, P. O. Box 61, Baton Rouge, LA 70821 or fax (225)342-7133. 

**Public Hearing**  
A public hearing on this proposed Rule is scheduled for Tuesday June 28, 2016 at 2 P.M. in Conference Room located on the fourth floor at 525 Florida Street, Baton Rouge, LA 70801. 

Karen J. Ryder  
Deputy Secretary 

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**  
**RULE TITLE:** Policy and Procedure Manual 

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The proposed rule amends LAC 4, Part VII, Chapter 11, and Sections 1101, 1151, 1203, 1229, 1231, 1239 and 1245 as well as repeals Sections 1103-1143, 1153-1227, 1233-1235 and 1241-1243. The amended and repealed sections contain outdated Federal and State statutes and laws, programs that are no longer being performed by the Governor’s Office of Elderly Affairs (GOEA), and programs that may conflict with current rules promulgated by other departments. The proposed rule clarifies the requirements for Area Agencies on Aging (AAAs) and parish Councils on Aging (COAs) regarding procedures as a result of amending and repealing these sections. In the future, GOEA will utilize their policy manual, which will have the current Federal and State statutes and regulations, and update the manual when new legislation is passed. 

The only cost associated with this proposed rule is the cost of publishing rulemaking. This is a one-time cost that is routinely included in the agency’s operating budget. 

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule does not impact revenue collections of state or local governmental units. 

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
The proposed rule does not impact costs or economic benefits to directly affected persons or nongovernmental groups. 

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed rule does not impact competition or employment. 

Karen J. Ryder  
Deputy Assistant Secretary  
1605#029  
Evan Brasseaux  
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