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MEMORANDUM

TO: Area Agencies on Aging (AAAs) **NOTICE #:** **032515-2-PC-SCBS**

FROM: Samuel P. Vergheze, Secretary

DATE: March 25, 2015

SUBJECT: Notice of Policy Clarification: Older Americans Act (OAA) Meals and Statewide Medicaid Managed Care Long-Term Care (SMMC LTC) Program Meals

The purpose of this notice is to provide clarification regarding the provision of congregate meals through OAA funds to Medicaid-eligible individuals. This guidance replaces Notice of Instruction (NOI) # 041414-2-I-SWCBS specific to the ability of individuals enrolled in SMMC LTC to receive congregate meals.

The following guidance is provided by the U.S. Department of Health and Human Services' Administration for Community Living (ACL) concerning OAA and Medicaid waiver services:

"If services are being provided to an older adult under the Older Americans Act, should the OAA continue providing payment for services if the person is later determined eligible for the same services under a Medicaid waiver?

Title III of the Older Americans Act (OAA) does not create a legal requirement to finance services for any individual. Individuals age 60 and over may receive benefits under the OAA, but no individual is entitled to them. An individual who is eligible for Medicaid benefits programs may also receive services under the OAA; however, the State may not require that OAA programs fund benefits that can be funded by Medicaid. Although individuals may not be entitled to specific services under the OAA, Medicaid-eligible individuals may receive such services."

Although home-delivered meals is a covered service for individuals enrolled in SMMC LTC, congregate meals is not a Medicaid-covered service in the program. However, the Department of Elder Affairs (Department) recognizes that certain SMMC LTC enrollees may benefit from the provision of a nutritionally sound meal and the socialization of a congregate meal site setting. Therefore, since the ACL has provided guidance and SMMC LTC does not cover congregate meals,

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Notice of Policy Clarification: Older Americans Act (OAA) Meals and Statewide Medicaid

Managed Care Long-Term Care (LTC) Program Meals

March 24, 2015

Page 2

individuals enrolled in SMMC LTC may receive congregate meals if coordinated by the managed care plan and paid for by OAA funds. Additionally, transportation funded through Title IIIB can be provided to SMMC LTC enrollees attending congregate meal sites, in accordance with the Department's Programs and Services Handbook service delivery standards and amended reporting requirements. Section 1.3.1 of the OAA contract will be amended to reflect this policy clarification.

Thank you for your assistance and cooperation in ensuring compliance with OAA and SMMC LTC program guidance. If you have any questions, please contact your contract manager.