



Rick Scott  
Governor

Samuel P. Verghese  
Secretary

## MEMORANDUM

**NOTICE #: 082516-1-P-SWCBS**

**TO:** Area Agency on Aging (AAA) Executive Directors

**FROM:** Samuel P. Verghese, Secretary

**DATE:** August 25, 2016

**SUBJECT:** Notice of Policy Clarification: 2017–2019 Area Plan Direct Service Waiver Proposals

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The purpose of this Notice is to provide clarification regarding the Older Americans Act (OAA) requirements for AAA direct service provision and the Department's review process for AAA Direct Service Waiver (DSW) requests.

This guidance supplements language in Appendix 5 of the 2017–2019 Area Plan Instructions for DSW requests as provided in the Notice of Instruction (NOI) #041416-1-I-PE. In addition, this notice provides the attached "Florida Department of Elder Affairs Direct Service Waiver Checklist," which Department staff will use to review DSW requests and required documentation.

Pursuant to Section 307(a) (8) of the OAA, in order for an AAA to directly provide services, one or more of the following conditions must exist:

- Provision of such services by the Area Agency on Aging is necessary to assure an adequate supply of such services;
- Such services are directly related to such Area Agency on Aging's administrative functions; or
- Such services can be provided more economically, and with comparable quality, by an Area Agency on Aging.

Section 316 of the OAA describes the obligation of the Department related to granting DSWs. The Department must give adequate consideration to the consequences of approving a waiver request, and the probable benefits for older individuals. Further, the OAA requires that any

waiver proposal be made available for public review and comment, including the opportunity for a public hearing, within the State. In conducting a public hearing, every effort must be made to ensure that such a hearing is not only properly noticed in appropriate venues but also includes active recruitment of potential service providers to build the capacity of the planning and service area and to address the needs of older individuals.

In accordance with the requirements related to verifiable evidence and documentation of public hearings in the Department's Program and Services Handbook, Chapter 4, Section 2, the following enhancements have been made to the DSW documentation requirements outlined in Appendix 5, page 95 of the 2017–2019 Area Plan template:

- Section II – The documentation requirements of this section have been expanded to include the submission of an objective economic evaluation for the exception when the DSW request is based upon “economically and comparable quality.” The evaluation will provide a comparative analysis of the proposed AAA service provision and the equivalent service rendered through a service provider agency.
- Section III – The documentation requirements of this section have been expanded to include the submission of documentation supporting the sources used to advertise the public hearing, i.e., a copy of the newspaper article or a screenshot of the advertisement on the AAA’s website. Documentation of the public hearing must include a copy of the sign in sheet that provides the following:
  - Name;
  - Signature;
  - Organization and title;
  - Type of participant (e.g., board member, AAA staff, service provider, concerned citizen, etc.); and
  - Email address (optional).

Additional documentation includes the following:

- A copy of the agenda that indicates an opportunity for discussion of each specific service proposed under the waiver,
- Minutes from the hearing, and
- A summary of all of the comments received.

➤ Section III – The language in the “Note” has been expanded to indicate the following:

- Although the AAA must submit one DSW form for **each service** that is being requested, only one set of documentation is required per public hearing. Original copies must be kept in the AAA administrative files and be available for Department review upon request.

- The AAA must include CIRTS report C.I.C., listing the AAA as the provider, including all services in the DSW request. The C.I.C. will depict accurate information pertaining to the cost, projected number of service units, and projected number of clients to be served for each DSW requested.

This updated guidance is effective immediately. If there are any questions, please contact your contract manager.

**Florida Department of Elder Affairs**  
**Direct Services Waiver (DSW) Request Checklist**  
**(To Be Completed by DOEA Contract Manager)**

<b>2017-2019 Area Plan</b>	<b>PSA: _____</b>	<b>Direct Service Waiver Period</b>	<b>20____ - 2019</b>	
<p><b>DSW Request For:</b> OAA Title: <input type="checkbox"/> III-B <input type="checkbox"/> III-C1 <input type="checkbox"/> III-C2 <input type="checkbox"/> III-D <input type="checkbox"/> III-E</p>				
<p><b>Direct Service Description:</b> _____</p>				
<p><b>I. Basis For DSW Request (one or more)</b></p>				
<input type="checkbox"/>	<p>(i) provision of such services by the Area Agency on Aging is necessary to assure an <b>adequate supply</b> of such services;</p>			
<input type="checkbox"/>	<p>(ii) such services are directly related to the Area Agency on Aging's <b>administrative functions</b>; or</p>			
<input type="checkbox"/>	<p>(iii) such services can be provided <b>more economically, and with comparable quality</b>, by the Area Agency on Aging.</p>			
<p><b>Nature of DSW request</b></p>	<input type="checkbox"/> Continuation	Last procurement date: _____ Next bid date: _____	<input type="checkbox"/> New	
<p><b>II. Justification For DSW Request</b> (narrative provided by Area Agency on Aging describing: inadequate supply, administrative functions, and/or economical provision with comparable quality)</p>			<b>YES</b>	<b>NO</b>
<p>1. Verifiable evidence and documentation to support request (Results of competitive procurement process, e.g., RFP, RFI)</p>			<input type="checkbox"/>	<input type="checkbox"/>
<p>2. Precise measurable objectives for the proposed service</p> <p><i>(Information provided with the C.I.C Service Units and Cost Projections – Completed Provider Summary for AAA as provider of direct services. Cost, units, and clients to be served must be included and accurately reflect the AAA's plans for each service.)</i></p>			<input type="checkbox"/>	<input type="checkbox"/>

3. Plan for an objective economic evaluation of the exception (Comparative analysis of the service to be provided directly by the AAA and the equivalent service as rendered through a service provider agency.)	<input type="checkbox"/>	<input type="checkbox"/>
4. C.I.C. Service Units and Cost Projections – Provider Summary for AAA as provider of direct services completed	<input type="checkbox"/>	<input type="checkbox"/>
Notes:		
<b>III. Public Hearing Documentation</b>	<b>YES</b>	<b>NO</b>
1. Documentation of public hearing notice(s) that include a list of all services in the DSW request is included Source(s):	<input type="checkbox"/>	<input type="checkbox"/>
2. Identification of when and where public hearing(s) were held. When: Where:	<input type="checkbox"/>	<input type="checkbox"/>
3. Documentation supporting the outlets used to advertise the public hearing(s) that include a copy of the advertisement(s)	<input type="checkbox"/>	<input type="checkbox"/>
4. Sign-in sheet(s) that include name, signature, organization, title, participant type, email address (optional)	<input type="checkbox"/>	<input type="checkbox"/>
5. Copies of the agenda(s) and minutes that include presentation/discussion of services	<input type="checkbox"/>	<input type="checkbox"/>
Notes:		

#### **IV. DSW Request Determination**

I, \_\_\_\_\_, DOEA Contract Manager, have received and reviewed all information provided with this Direct Service Waiver request for the specified service, and the request is as follows:

Approved for the period specified      Correspondence sent date:

Pended

Reason:

Declined

Reason:

Contract Manager Signature \_\_\_\_\_ Date \_\_\_\_\_