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MEMORANDUM

NOTICE #: 120214-1-PC-SWCBS

TO: Area Agencies on Aging (AAAs)

FROM: Charles T. Corley, Secretary

DATE: December 2, 2014

SUBJECT: Notice of Policy Clarification: Client Contributions for Nutrition Services

The purpose of this Notice is to provide AAAs and Nutrition Program Service Providers clarification regarding the policy on client contributions for nutrition services. This topic is addressed in the Department's Program and Services Handbook, Chapter 4, Older Americans Act, Service Requirements, Section 5, Nutrition Program Policies, Contributions for Nutrition Services.

Specifically, the Handbook provides the following information regarding procedures for client contributions:

- **Contributions:** Clients will be given an opportunity to voluntarily and confidentially contribute to the cost of the service.
- **Contribution Schedules:** Nutrition providers may develop suggested contribution schedules, taking into consideration the income ranges of eligible individuals in the community. Providers are not required to advertise the full cost of the meal.
- **Contribution Determination:** Each client shall determine the amount of his/her contribution. Suggested contribution schedules shall not be used as a means test for determining eligibility for services. **No eligible individual shall be denied a meal because of failure to contribute.**
- **Privacy and Confidentiality:** Nutrition providers shall establish procedures to protect the privacy and confidentiality of each client relative to his/her contribution. One example is the use of envelopes in which clients place their contributions.

Regarding consumer contributions, the OAA allows for cost sharing and voluntary contributions. Although the Department has not implemented cost sharing for OAA Title III programs and services, Section 315 (a) of the OAA provides that the state is not permitted to implement cost sharing for congregate and home delivered meals. Therefore, AAAs and providers must ensure the use of any contribution schedule does not include means testing or consideration of a client's ability to pay. Section 315 (b) of the OAA provides that the "AAA shall ensure that each service provider will:

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- (A) provide each recipient with an opportunity to voluntarily contribute to the cost of the service;
- (B) clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary; and
- (C) protect the privacy and confidentiality of each recipient with respect to the recipient's contribution or lack of contribution;
- (D) establish appropriate procedures to safeguard and account for all contributions; and
- (E) use all collected contributions to expand the service for which the contributions were given and to supplement (not supplant) funds received under this Act."

In summary, guidance provided in the Handbook is in accordance with the requirements of the Older Americans Act (OAA). Clients must be informed that they may contribute to the cost of their services, be provided a private and confidential method to contribute, and be provided services whether they contribute or not contribute. Contributions shall be free of any form of coercion or peer pressure.

Thank you for your efforts in ensuring appropriate distribution of this information. If there are any questions, please contact your contract manager.