

DEPARTMENT OF AGING

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PROGRAM MEMO

TO: AREA AGENCY ON AGING DIRECTORS	NO.: PM 10-20(P)
SUBJECT: Title III C-1 Meals in Adult Day Health Care Programs, Adult Day Programs and Elderly Housing Facilities	DATE ISSUED: August 26, 2010
REVISED	EXPIRES: Until Superseded
REFERENCES: Older Americans Act Code of Federal Regulations California Code of Federal Regulations	AMENDS: PM 06-11 (P)
PROGRAMS AFFECTED: <input type="checkbox"/> All <input type="checkbox"/> Title III-B <input checked="" type="checkbox"/> Title III-C1/C2 <input type="checkbox"/> Title III-D <input type="checkbox"/> Title III-E <input type="checkbox"/> Title V <input type="checkbox"/> CBSP <input type="checkbox"/> MSSP <input type="checkbox"/> Title VII <input checked="" type="checkbox"/> ADHC <input checked="" type="checkbox"/> Other: Adult Day Programs Elderly housing facilities	
REASON FOR PROGRAM MEMO: <input type="checkbox"/> Change in Law or Regulation <input checked="" type="checkbox"/> Response to Inquiry <input type="checkbox"/> Other Specify: _____	
INQUIRIES SHOULD BE DIRECTED TO: Michael Alward malward@aging.ca.gov 916-928-3327	

The purpose of the Program Memo (PM) is to clarify the definition of a congregate meal site and to provide guidance in the use of Older Americans Act (OAA) Title III C-1, Nutrition Services Incentive Program (NSIP) and one-time only (OTO) funds.

PM 06-11 issued on March 22, 2006, prohibits the use of OAA Title III C-1 funds to pay for meals, equipment, and other meal-related expenses in Adult Day Health Care (ADHC) programs whose meals are paid for by Medi-Cal or private payment fees in the form of a flat/bundled rate. PM 06-11 remains valid and this PM should be read in conjunction with PM 06-11.

The California Department of Aging (CDA) has become aware that some Area Agencies on Aging (AAA) have been using Title III C-1, NSIP and OTO funds to reimburse Adult Day Programs (ADP) and elderly housing facilities for participant meals, equipment, and other meal-related costs. The use of Title III C-1 is an allowable expenditure **only in specific cases** where ADPs and elderly housing facilities meet the congregate nutrition site eligibility criteria.

To be an eligible Title III C-1 congregate nutrition site, the site must meet all of the following criteria:

- Be open to the general public [45 CFR 1321.53(b) (3)].
- Not means test [OAA 315(b) (3)].

- Provide participants the opportunity to make voluntary contributions and not deny service for not contributing to the cost of the service [OAA 315(b) (4); 22 CCR §7638.9].
- Not receive funds from another source for the cost of the same meal, equipment, or services [70 FR 51928].

Title III C-1 congregate meal providers/kitchens may, in certain circumstances, contract with an ADHC center, ADP, or elderly housing facility to provide participant meals. However, the ADHC program, ADP, or elderly housing facility would have to pay the congregate meal provider/kitchen for the meals. These meals cannot be counted as Title III C-1 meals because an ADHC program, ADP, and elderly housing facility are unable to meet all of the congregate nutrition site eligibility criteria listed above.

An ADHC program, ADP, or elderly housing facility that operates a separate and distinct meal site could provide and claim Title III C-1 meals provided to non-program clients if all of the above criteria are met. This means that if an ADHC center, ADP, or elderly housing facility does not operate a separate congregate meal site, they cannot claim Title III C-1 reimbursement for meals served to program participants.

Please confer with your Nutrition Consultant before committing any Title III C-1 funds to any of these settings.

A handwritten signature in blue ink that reads "Lynn Daucher". The signature is written in a cursive style.

Lynn Daucher
Director