

—PROGRAM INSTRUCTION—

Texas Department of Aging and Disability Services (DADS) – Access and Intake Division

TITLE:	Nutrition Services Eligibility Requirements for Individuals Under Age 60 and Caregivers	NUMBER:	AAA-PI 307
SECTION:	Area Agencies on Aging	APPROVAL:	Betty Ford
ISSUE DATE:	2/1/08	REVISION DATE:	1/7/09
RELEVANT CITATION(S):	OAA §339(2)(H)& (I), §373(b); 45 CFR §1321.69(b); 40 TAC §85.201, §85.302		
DISTRIBUTION:	<input type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Director <input checked="" type="checkbox"/> Fiscal Director <input checked="" type="checkbox"/> AAA Section Staff		

The Department is revising the program instruction (PI) to reflect the new numbers 40 TAC (Texas Administrative Code) §83.1 AAA Administrative Responsibilities and 40 TAC §84.5 Nutrition Services. Effective September 1, 2008, the rules' number changed to 40 TAC §85.201 and §85.302 respectively.

The purpose of this PI is to provide clarification for nutrition services provided to individuals less than 60 years of age in accordance with the Older Americans Act (OAA) and the Nutrition Services Incentive Program (NSIP) rules and regulations.

Are disabled individuals under age 60 eligible for home delivered meals?

Disabled individuals under age 60 who reside with an individual age 60 and older are eligible to receive a home delivered meal under the OAA provided the older individual is eligible for a home delivered meal.

In addition to individuals over age 60, who can receive a congregate meal?

The OAA §339(2)(I) language ensures nutrition services will be made available to program participants and to their spouses.

The OAA §339(2)(H) & (I) allows nutrition project administrators the option to offer a meal, on the same basis as meals provided to program participants to:

- individuals providing volunteer services during the meal hours
- individuals with disabilities who reside at home with older eligible individuals
- individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided

In addition to a homebound individual age 60 and older, who else may receive a home delivered meal?

In accordance with 45CFR §1321.69(b)

“The spouse of the older person, regardless of age or condition, may receive a home delivered meal if, according to criteria determined by the area agency on aging, receipt of the meal is in the best interest of the homebound older person.”

A home delivered meal provided to a caregiver is allowable, but should be considered on a case by case basis. In general, the following principles apply:

1. A caregiver, who is a spouse, may receive a home delivered meal and have that meal counted for NSIP under III-C2.
2. A caregiver 60 and over, who is not a spouse or homebound but is a family member, could receive a HDM funded by Part E, Supplemental Services. This meal would NOT be eligible for NSIP since it does not meet the requirements for C-2 of the OAA and its regulations.
3. A caregiver, who is under age 60, a family member but not a spouse, could receive a HDM funded by Part E, Supplemental Services. This meal would NOT be eligible for NSIP because it does not meet the requirements for C-2 of the OAA and its regulations.

The OAA Part E §373(b) states, “The services provided, in a State program under subsection (a), by an area agency on aging, or entity that such agency has contracted with, shall include--” (5) “supplemental services, on a limited basis, to complement the care provided by caregivers.”

The following information may be found on the AoA website under frequently asked questions regarding NSIP Meals under NFCSP states the following:

Q: If the caregiver is over sixty, perhaps a daughter providing care for her 86 year old mother, Mom receives a home-delivered meal (HDM) and since daughter is in the home at mealtime, she would like a meal also. Do we charge that meal to III-E supplemental services or do we charge that to III-C2 since the daughter is eligible in her own right?

A: If an 86 year older woman is homebound and needs home-delivered meals, she can receive services funded through either Title III-C2 or Part E, if the state chooses to include home delivered meals as part of its services under Supplemental Services. This meal may be reported to AoA as a meal that is eligible to receive NSIP funding because the woman is homebound.

If the daughter who is a caregiver over age 60, but not homebound, she does not meet the criteria to receive a home delivered meal under Title III-C2, which is limited to individuals who are homebound or spouses of homebound individuals. The caregiver daughter can receive a home delivered meal funded by Part E, if the state chooses to include home delivered meals as part of its services under Supplemental Services to support Caregivers. This meal may not be reported to AoA as a meal which is eligible to be counted towards NSIP funding.

Should you have questions regarding the information contained in this program instruction, please forward those to T3Ahelp@dads.state.tx.us.