

Kentucky State Plan Guidance Attachment B

INFORMATION REQUIREMENTS

Except as indicated where optional or only applicable to States with multiple planning and service areas, the State Plan must state how the following provision(s) will be met:

1. Greatest Economic and Greatest Social Need

45 CFR § 1321.27 (d) requires each State Plan must include a description of how greatest economic need and greatest social need are determined and addressed by specifying: How the State agency defines greatest economic need and greatest social need, which shall include the populations as set forth in the definitions of greatest economic need and greatest social need, as set forth in 45 CFR § 1321.3; and the methods the State agency will use to target services to such populations, including how OAA funds may be distributed to serve prioritized populations in accordance with requirements as set forth in 45 CFR § 1321.49 or 45 CFR § 1321.51, as appropriate.

“*Greatest economic need*” means “the need resulting from an income level at or below the Federal poverty level and as further defined by State and area plans based on local and individual factors, including geography and expenses” (45 CFR § 1321.3).

“*Greatest social need*” means the need caused by the following noneconomic factors as defined in 45 CFR § 1321.3.

A State agency’s response must establish how the State agency will:

- identify and consider populations in greatest economic need and greatest social need;
- describe how they target the identified the populations for service provision;
- establish priorities to serve one or more of the identified target populations, given limited availability of funds and other resources;
- establish methods for serving the prioritized populations; and
- use data to evaluate whether and how the prioritized populations are being served.

RESPONSE:

Greatest economic need is defined as those who are at or below the Federal Poverty Level with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.

Greatest social need is defined as older individuals with noneconomic needs with particular attention to older individuals with limited English proficiency, and older individuals residing in rural areas. The interstate funding formula that Kentucky will be using considers the priority areas listed in the paragraph above. Consensus was sought from the directors of the designated planning and service areas to provide a weight to each of the categories. Using the most current information available from the University of Louisville’s Kentucky State Data Center, funds will be allocated based on the weights and populations distribution.

In turn, the designated planning and service areas will be required to utilize the same factors to distribute funds in each community and develop specific objectives to serve the populations. DAIL will monitor the allocations and expenditures throughout the fiscal year. Additionally, each designated planning and service area submits area plans every three years, with required revisions each year on they will provide services in the priority areas communicated by DAIL.

2. Native Americans: Greatest Economic and Greatest Social Need

45 CFR § 1321.27 (g):

Demonstration that the determination of greatest economic need and greatest social need specific to Native American persons is identified pursuant to communication among the State agency

and Tribes, Tribal organizations, and Native communities, and that the services provided under this part will be coordinated, where applicable, with the services provided under Title VI of the Act and that the State agency shall require area agencies to provide outreach where there are older Native Americans in any planning and service area, including those living outside of reservations and other Tribal lands.

RESPONSE:

Kentucky has very few Native Americans, with less than .3% reporting American Indian and Alaska Native race and origin alone. Native American identity is included in the definition of greatest social need under the category of low-income minority. Native American older adults in Kentucky who are living at or below 185% of the poverty level are included in the definition of greatest economic need. Kentucky does not operate an Older Americans Act Title VI grant. However, all planning and service areas provide services to eligible Native Americans and work with the local Native American Organizations wherever possible.

3. Activities to Increase Access and Coordination for Native American Older Adults

OAA Section 307(a)(21): The plan shall —

provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this title, if applicable, and specify the ways in which the State agency intends to implement the activities.

45 CFR § 1321.53:

For States where there are Title VI programs, the State agency's policies and procedures, developed in coordination with the relevant Title VI program director(s), as set forth in § 1322.13(a), must explain how the State's aging network, including area agencies and service providers, will coordinate with Title VI programs to ensure compliance with sections 306(a)(11)(B) (42 U.S.C. 3026(a)(11)(B)) and 307(a)(21)(A) (42 U.S.C. 3027(a)(21)(A)) of the

Act. State agencies may meet these requirements through a Tribal consultation policy that includes Title VI programs.

The policies and procedures set forth in (a) of this provision must at a minimum address:

- How the State's aging network, including area agencies on aging and service providers, will provide outreach to Tribal elders and family caregivers regarding

- services for which they may be eligible under Title III and/or VII;
- The communication opportunities the State agency will make available to Title VI programs, to include Title III and other funding opportunities, technical assistance on how to apply for Title III and other funding opportunities, meetings, email distribution lists, presentations, and public hearings;
- The methods for collaboration on and sharing of program information and changes, including coordinating with area agencies and service providers where applicable;
- How Title VI programs may refer individuals who are eligible for Title III and/or VII services;
- How services will be provided in a culturally appropriate and trauma-informed manner; and
- Opportunities to serve on advisory councils, workgroups, and boards, including area agency advisory councils, as set forth in § 1321.63.

RESPONSE:

Kentucky has very few Native Americans, with less than .3% reporting American Indian and Alaska Native race and origin alone. The designated planning and service areas sign assurances that they shall provide information concerning services to older individuals who are older Native Americans. They will pursue activities, including outreach, to increase access to programs and benefits provided under the Older Americans Act.

4. Low Income Minority Older Adults

OAA Section 307(a)(14):

(14) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—identify the number of low-income minority older individuals in the State, including the number of low income minority older individuals with limited English proficiency; and

describe the methods used to satisfy the service needs of the low-income minority older individuals described in subparagraph (A), including the plan to meet the needs of low-income minority older individuals with limited English proficiency.

RESPONSE:

Kentucky utilizes the State Data Center to determine the number of low-income minority older adults and low-income minority older adults with limited English proficiency. Kentucky's 60+ minority population makes up 7.9% of the total 60+ population. Of that, 19.9% are low-income minority. Less than 1% of the state's 60+ population has limited English proficiency. To that extent, Kentucky adds additional weight to prioritize the low-income minority population at 1.05 of the interstate funding formula.

The entire interstate funding formula is as follows: The 60 plus population + Rural 60 plus population (x 1.05) + Low Income 60 plus population + Low Income Minority 60 plus population (x 1.05) = Total with weight / Grant Total with Weights = Percentage of Funding allocated to the AAA.

5. Rural Areas – Hold Harmless

OAA Section 307(a)(3): The plan shall—

with respect to services for older individuals residing in rural areas—

provide assurances the State agency will spend for each fiscal year not less than the amount expended for such services for fiscal year 2000;

identify, for each fiscal year to which the plan applies, the projected costs of providing such services (including the cost of providing access to such services); and

describe the methods used to meet the needs for such services in the fiscal year preceding the first year to which such plan applies.

RESPONSE:

Kentucky will not allocate less than the amount allocated in FY2000 for services for older individuals residing in rural areas. The funding formula adds more importance to those living in rural areas. DAIL staff review monthly invoices to monitor that the designated planning and service areas is expending all allocated funds and failure to do so for two consecutive years may result in a decrease in allocation to that designated planning and service areas and reallocation to another designated planning and service areas.

Kentucky is predominantly a rural state. The funding formula adds more importance to those living in rural areas. As it stands now, each of the planning and service areas serve rural areas with only pockets of urban areas.

Using the latest census information from the University of Louisville's State Data Center, the rural population of 60 and over is identified and used as a basis for the funding formula. More importance is placed on this factor in the interstate funding formula. The designated planning and service areas regional plans must include explanations of how they provide equitable allocations of funds for programs and services.

6. Rural Areas – Needs and Fund Allocations

OAA Section 307(a)(10):

The plan shall provide assurance that the special needs of older individuals residing in rural areas are taken into consideration and shall describe how those needs have been met and describe how funds have been allocated to meet those needs.

RESPONSE:

Kentucky's interstate funding formula weights individuals living in a rural area who are 60 and older at 1.05. The designated planning and service areas regional plans must include explanations of how they provide equitable allocations of funds for programs and services.

7. Assistive Technology

OAA Section 306(a)(6)(I):

Describe the mechanism(s) for assuring that each Area Plan will include information detailing how the area agency will, to the extent feasible, coordinate with the State agency to

disseminate information about the State assistive technology entity and access to assistive technology options for serving older individuals.

RESPONSE:

DAIL meets this requirement by stipulating this assurance through contractual language with the planning and service areas. The planning and service areas must submit a three-year plan which will specify that each agency will, to the extent feasible, coordinate with DAIL to disseminate information about the assistive technology entity and access to assistive technology options for serving older individuals.

The planning and service areas will provide, as part of the area plan, a narrative description of local and regional efforts supporting this priority. DAIL annually monitors area plans and various portions of related assurances by providing planning and service areas with tools to detail how each assurance is achieved.

8. Minimum Proportion of Funds

OAA Section 307(a)(2):

The plan shall provide that the State agency will —...

specify a minimum proportion of the funds received by each area agency on aging in the State to carry out part B that will be expended (in the absence of a waiver under sections 306 or 316) by such area agency on aging to provide each of the categories of services specified in section 306(a)(2). (Note: those categories are access, in-home, and legal assistance. Provide specific minimum proportion determined for each category of service.)

RESPONSE:

The designated planning and service areas signs assurances that in accordance with the OAA, an adequate proportion of part B funds are expended in access services, transportation, health services, outreach, information and assistance, case management services, in-home services and legal assistance. Currently each planning and service area expends 65 percent of their allocated services funds on access, in-home, and legal assistance. The process Kentucky utilizes to determine the percentage of allocated funds for access services was developed in conjunction with the interstate funding formula. The state will develop and report the specific percentage that is expended for each access category. This information will be submitted with the state plan amendment when coming into OAA Final Rule compliance.

9. Assessment of Statewide Service Delivery Model

OAA Section 307(a)(27):

The plan shall include, at the election of the State, an assessment of how prepared the State is, under the State's statewide service delivery model, for any anticipated change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted.

Such assessment may include—

- the projected change in the number of older individuals in the State;
- an analysis of how such change may affect such individuals, including individuals

with low incomes, individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

- an analysis of how the programs, policies, and services provided by the State can be improved, including coordinating with area agencies on aging, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the State; and
- an analysis of how the change in the number of individuals age 85 and older in the State is expected to affect the need for supportive services

RESPONSE:

At the election of the State, Kentucky will utilize the latest census information from the University of Louisville's State Data Center to determine how prepared the State is for anticipated change in the number of older individuals during the 10 year-period following the fiscal year for which the plan is submitted.

10. Shelf Stable, Pick-Up, Carry-Out, Drive-Through, or Similar Meals Using Title III Congregate Nutrition (C-1) Service Funding (Optional, only for States that elect to pursue this activity)

45 CFR § 1321.87(a)(1)(ii):

Title III C-1 funds may be used for shelf-stable, pick-up, carry-out, drive-through, or similar meals, subject to certain terms and conditions:

- Such meals must not exceed 25 percent of the funds expended by the State agency under Title III, part C-1, to be calculated based on the amount of Title III, part C-1 funds available after all transfers as set forth in 45 CFR § 1321.9(c)(2)(iii) are completed;
- Such meals must not exceed 25 percent of the funds expended by any area agency on aging under Title III, part C-1, to be calculated based on the amount of Title III, part C-1 funds available after all transfers as set forth in 45 CFR § 1321.9(c)(2)(iii) are completed;
- Such meals are to be provided to *complement* the congregate meal program:
- During disaster or emergency situations affecting the provision of nutrition services;
- To older individuals who have an occasional need for such meal; and/or
- To older individuals who have a regular need for such meal, based on an individualized assessment, when targeting services to those in greatest economic need and greatest social need; and 45 CFR § 1321.27 (j):

If the State agency allows for Title III, part C-1 funds to be used as set forth in §1321.87(a)(1)(i), the State agency must include the following:

- Evidence, using participation projections based on existing data, that provision of such meals will enhance and not diminish the congregate meals program, and a commitment to monitor the impact on congregate meals program participation;
- Description of how provision of such meals will be targeted to reach those populations identified as in greatest economic need and greatest social need;
- Description of the eligibility criteria for service provision;

- Evidence of consultation with area agencies on aging, nutrition and other direct services providers, other stakeholders, and the general public regarding the provision of such meals; and
- Description of how provision of such meals will be coordinated with area agencies on aging, nutrition and other direct services providers, and other stakeholders.

RESPONSE:

Kentucky will allow an area agency on aging to elect to utilize Title III C-1 funds for drive-through activities, they are subject to certain terms and conditions as follows:

- 1) Such meals must not exceed 25 percent of the funds expended by the State agency under Title III, part C-1, to be calculated based on the amount of Title III, part C-1 funds available after all transfers as set forth in 45 CFR § 1321.9(c)(2)(iii) are completed;
- 2) Such meals must not exceed 25 percent of the funds expended by any area agency on aging under Title III, part C-1, to be calculated based on the amount of Title III, part C-1 funds available after all transfers as set forth in 45 CFR § 1321.9(c)(2)(iii) are completed;
- 3) The meal units shall be counted as Drive-Thru – Congregate.
 - A. Such meals are to be provided to *complement* the congregate meal program. The AAA shall provide to the state how the Drive-Through-Congregate program shall be provided. Including,
 - i. Evidence, using participation projections based on existing data, that provision of such meals will enhance and not diminish the congregate meals program, and a commitment to monitor impact on congregate meals program participation;
 - ii. Description of how provision of such meals will be targeted to reach those populations identified as in greatest economic need and greatest social need;
 - iii. Description of the eligibility criteria for service provision;
 - iv. Evidence of consultation with nutrition and other direct services providers, other interested parties, and the public regarding the need for and provision of such meals;
 - v. Description of how provision of such meals will be coordinated with nutrition and other direct services providers and other interested parties;
 - vi. How the drive-through meals will complement the congregate program;
 - vii. Drive-through meals may be offered to qualifying congregate meal participants who may have an occasional need for such a meal;
 - viii. How the funding shall be tracked to ensure that no more than 25% of the Title III C-A funding is used for the Drive-Through – Congregate program

- ix. During disaster or emergency situations, which include weather-related and/or unforeseen senior center closures, affecting the provision of nutrition services; To older individuals who have an occasional need for such meal; and;
 - x. The locations where the drive-through – congregate program shall be available
- 4) Each AAA shall request a waiver explaining how offering drive-through – congregate meals program best serves eligible older adults with greatest economic and social need through the area plan. The waiver shall include the following:
- A. Evidence, using participation projections based on existing data, that provision of such meals will enhance and not diminish the congregate meals program, and a commitment to monitor the impact on congregate meals program participation;
 - B. Description of how provision of such meals will be targeted to reach those populations identified as in greatest economic need and greatest social need;
 - C. Description of the eligibility criteria for service provision;
 - D. Evidence of how the area agencies on aging consulted with nutrition and other direct services providers, other stakeholders, and the public regarding the provision of such meals; and
 - E. Description of how provision of such meals will be coordinated within in the region.

11. Funding Allocation – Ombudsman Program

45 CFR Part 1324, Subpart A:

How the State agency will coordinate with the State Long-Term Care Ombudsman and allocate and use funds for the Ombudsman program under Title III and VII, as set forth in 45 CFR part 1324, subpart A.

RESPONSE:

Kentucky will provide notification to the Ombudsman program for all sources received that are allocated or appropriated to the Ombudsman program and will provide information on any requirements of the funds while supporting the Ombudsman in their determination on the use of the funds. The State Long-Term Care Ombudsman will provide the Department for Aging and Independent Living with the data and supporting documentation necessary to demonstrate the equitable allocation of federal and state funds to District Ombudsman entities prior to any distribution of the funds. The funding allocation is subject to applicable federal and state laws and policies.

12. Funding Allocation – Elder Abuse, Neglect, and Exploitation

45 CFR § 1321.27 (k):

How the State agency will allocate and use funds for prevention of elder abuse, neglect, and exploitation as set forth in 45 CFR part 1324, subpart B.

RESPONSE:

Kentucky allocates funding for the prevention, detection, assessment, treatment, intervention, and investigation of, in response to abuse, neglect and exploitation utilizing the ACL approved intrastate funding formula. Each planning and service areas collaborates with local coordinating councils on elder abuse to provide these services.

13. Monitoring of Assurances

45 CFR § 1321.27 (m):

Describe how the State agency will conduct monitoring that the assurances (submitted as Attachment A of the State Plan) to which they attest are being met.

RESPONSE:

Starting on January 1, 2026, each year, by June 30th, the Department for Aging and Independent Living shall complete a document that demonstrates compliance with all State Plan on Aging assurances. If any assurances are not in compliance at the time of monitoring, the document shall have an explanation of how Kentucky shall come into compliance.

14. State Plans Informed By and Based on Area Plans

45 CFR § 1321.27 (c):

Evidence that the State Plan is informed by and based on area plans, except for single planning and service area States.

RESPONSE:

Currently, Kentucky uses the State Plan to guide the development of the regional plans. Kentucky respectfully requests an extension until October 1, 2026, to have a fully approved plan that is informed by and based on area plans.

15. Public Input and Review

45 CFR § 1321.29:

Describe how the State agency considered the views of older individuals, family caregivers, service providers and the public in developing the State Plan, and how the State agency considers such views in administering the State Plan. Describe how the public review and comment period was conducted and how the State agency responded to public input and comments in the development of the State Plan.

RESPONSE:

Community forums, needs assessment, and public hearings are used to receive stakeholder input. Stakeholders are provided 30 days for input/comment. The Department for Aging and

Independent Living shall utilize public hearings as one method of obtaining the views of older individuals, family caregivers, service providers and the public in developing the State Plan. Kentucky will afford an opportunity for a hearing on the state plan available for a thirty-day review period prior to holding a public hearing. The plan will be posted on websites and made for review at the 15 AAA and senior centers. Kentucky will also electronically publish the plan and share directly with service providers and advocacy groups prior to the public hearing. Kentucky law requires public hearings to be hosted in a centralized location with the ability to participate virtually as well. Individuals may submit comments before the public hearing, at the time of the public hearing, or up to three business days following the hearing. Kentucky will review the comments and incorporate the input and comments as appropriate.

16. Program Development and Coordination Activities (Optional, only for States that elect to pursue this activity)

45 CFR § 1321.27 (h):

Certification that any program development and coordination activities shall meet the following requirements:

The State agency shall not fund program development and coordination activities as a cost of supportive services under area plans until it has first spent 10 percent of the total of its combined allotments under Title III on the administration of area plans;

Program development and coordination activities must only be expended as a cost of State Plan administration, area plan administration, and/or Title III, part B supportive services; State agencies and area agencies on aging shall, consistent with the area plan and budgeting cycles, submit the details of proposals to pay for program development and coordination as a cost of Title III, part B supportive services to the general public for review and comment; and Expenditure by the State agency and area agency on program development and coordination activities are intended to have a direct and positive impact on the enhancement of services for older persons and family caregivers in the planning and service area.

RESPONSE

Kentucky will not be pursuing this activity.

17. Legal Assistance Developer

45 CFR § 1321.27 (l):

How the State agency will meet responsibilities for the Legal Assistance Developer, as set forth in part 1324, subpart C.

RESPONSE:

Kentucky respectfully requests an extension until October 1, 2026, to meet the responsibilities for the legal assistance developer. Additional staff are needed to perform the responsibilities of a legal assistance developer. Currently, the Kentucky budget does not have the funding to support a qualified individual to devote their time to these responsibilities. DAIL will need to submit a budget request to the legislature. Kentucky has a biennium budget period, and new requests will not be considered until January of 2026.

18. Emergency Preparedness Plans – Coordination and Development

OAA Section 307(a)(28):

The plan shall include information detailing how the State will coordinate activities, and develop long-range emergency preparedness plans, with area agencies on aging, local emergency response agencies, relief organizations, local governments, State agencies responsible for emergency preparedness, and any other institutions that have responsibility for disaster relief service delivery.

RESPONSE:

This disaster coordinator with DAIL is the point of contact for disaster plan implementation, assures all protocols include all programs, documents, equipment, supplies and communications necessary to serve older adults and individuals with disabilities. The coordinator also provides direction to begin implementation of contact and information dissemination to regional and local agencies. DAIL will coordinate its disaster preparedness efforts to secure the connection between officials responding to disasters and emergencies with providers of services for the elderly in regional and local communities.

Each designated planning and service areas completes regional disaster plans every three years with a revision each year. In the plan they must address how they will continue services during a disaster and how they will assess the needs of those receiving services such as senior center services and in home services. The plan also includes a process for the storage of records and computerized documents and transfer to an alternate workspace for department staff at a separate location in the event a disaster destroys its facility and contents of the facility. The coordinator also assures the protocol provides for resuming operations within 24 hours of a disaster. Designated planning and service area employees work as a Functional Assessment Service Teams members to conduct assessments to evaluate resources necessary to support people with functional and access needs within general population shelters following a disaster.

19. Emergency Preparedness Plans – Involvement of the head of the State agency

OAA Section 307(a)(29):

The plan shall include information describing the involvement of the head of the State agency in the development, revision, and implementation of emergency preparedness plans, including the State Public Health Emergency Preparedness and Response Plan.

RESPONSE:

The staff assistant to the Commissioner of the Department is responsible for reviewing all emergency preparedness plans, policies and procedures. Recommendations are made to the Commissioner who has final approval of the plans. Implementation is conducted by staff who monitor designated planning and service areas for compliance.