

INSTRUCTIONS FOR MAINTENANCE OF EFFORT FOR TITLE III AND  
CERTIFICATION OF LONG-TERM CARE OMBUDSMAN PROGRAM  
EXPENDITURES

DUE DATE: August 1 or next business day or each calendar year to ACL fiscal contact

LEGAL AND  
RELATED

REFERENCES: 45 CFR 1321.49 and Section 309(c) of the Older Americans Act, as Amended; and Sections 304 (d) (1), 306 (a) (9), 307 (a) (9), and 705 (a) (4) of the Older Americans Act, as Amended.

This instruction requires the Authorized Official in each State/Territory Agency on Aging to submit a certification on maintenance of effort for Title III and certification of minimum expenditures for Long-Term Ombudsman Programs under Title III and Title VII of the Older Americans Act (OAA) for the prior fiscal year. As required in the OAA, the State/Territory maintenance of effort level is to be determined annually.

**In compliance with 45 CFR 1321.49:** To avoid a penalty, each fiscal year the State agency, to meet the required non-Federal share applicable to its allotments under this part, shall spend under the State plan for both services and administration at least the average amount of State funds it spent under the plan for the three previous fiscal years. If the State agency spends less than this amount, the Assistant Secretary reduces the State's allotments for supportive and nutrition services under this part by a percentage equal to the percentage by which the State reduces its expenditures.

In reporting the amount of State or Territory expenditures for the maintenance of effort requirement, States and territories may include expenditures incurred under the approved cost allocation plan for the agency.

**In compliance with the Section 307 (a) (9):** States must expend on their Statewide Ombudsman Programs no less than they expended in Title III-B and Title VII funds for FFY 2019. This amount must be expended annually on Ombudsman service to residents of long-term care facilities. In addition, a state or territory may not use ombudsman Title VII funds to supplant, replace, or in substitution for any other Federal or State funding. All the Title VII ombudsman

funding appropriated by Congress and allotted to a state or territory for a specific year must be expended on direct costs of the Ombudsman Program.

**In compliance with Section 306 (a) (9):** the Area Agency on Aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(9), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 2019.

The authorized official in each State or Territory agency is required to certify to the Administration for Community Living that the prior fiscal year expenditure requirements have been met.

The certification forms must be signed by the Authorized State or Territory Agency Official and submitted to [AOA.Grants@acl.hhs.gov](mailto:AOA.Grants@acl.hhs.gov) with a copy to the appropriate ACL Regional Administrators, no later than August 1 or next business day of each calendar year.

#### Paperwork Reduction Act Public Burden Statement

According to the Paperwork Reduction Act of 1995 5 CFR § 1320.8(b)(3), no persons are required to respond to a collection of information unless such collection displays a valid OMB control number (OMB 0985-0083). Public reporting burden for this collection of information is estimated to average one (1) hour per response, including time for gathering, maintaining the data needed, completing, and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefits under the Older Americans Act (P.L. 116-131). Information collected is planned for use by ACL to conduct federal oversight of Aging Programs. ACL uses information collected to monitor federal funds. Data will be kept private to the extent allowed by law. There are no assurances of confidentiality. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Administration for Community Living, U.S. Department of Health and Human Services, 330 C Street, SW, Washington, DC 20201-0008, Attention Adam Mosey [adam.mosey@acl.hhs.gov](mailto:adam.mosey@acl.hhs.gov) and reference the OMB Control Number 0985-0083. Note: Please do not return the completed information collection to this address.