



TITLE III-B AND TITLE III-E FAQs

(Issued 4/23/2020)

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Question:

Could CARES COVID-19 funding, normal Title III-E funds, or III-B be used to pay primary caregivers for time spent providing care?

Answer:

A State may provide for a program that allows for payment to family members, including a primary caregiver, for providing personal care, homemaker, and other services to eligible older adults with Title III-B funding. A State may provide for a program that allows for payment to family members, including a primary caregiver, for providing respite or supplemental services to eligible family caregivers with Title III-E funding. ACL recognizes that there may be multiple caregivers supporting older adults or adults of any age with early-onset dementia, as well as grandparents and other older relatives caring for children or caring for adults ages 18-59 with disabilities. Therefore, when using Title III-E funding to provide payment to a primary caregiver, one or more of these other caregivers may be served as the client.

Additionally, should a State or Tribe (Title VI grantee) request and receive a Major Disaster Declaration (MDD) by the President under the Stafford Act, it triggers disaster relief authority in the Older Americans Act (OAA). Once a MDD request by a State is approved, Section 310(c) permits states to use any portion of the funds made available under sections of the Act for disaster relief for older individuals. In this regard, flexibility is provided for States – without the need for a separate application, transfer request, or request for a waiver -- to use existing allocations already made to them under the Act for disaster relief.

This MDD flexibility applies to OAA, FFCRA, and CARES Act funding during the period the MDD is in effect.

Question:

Can CARES funding be used to hire additional staff specifically to provide transportation to doctor appointments or for pharmacy and grocery delivery?

Answer:

Such services are allowable under Title III-B and Title III-E funding. The CARES Act includes funding under Title III-B and Title III-E.

Question:

Can CARES funds be used to develop statewide, regional or local media campaigns aimed at caregivers and promoting services available through ADRCs?

Answer:

Media campaigns are allowable under OAA Title III-B and Title III-E funding. The CARES Act includes funding under OAA Title III-B and Title III-E. Additionally, the CARES Act includes ADRC funding, which can be used to promote services available through ADRCs.

Question:

Does the 3% requirement for spending on legal and ombudsman services apply to the B money we will be receiving from the CARES Act?

Answer:

There is no specific 3% requirement for spending on legal and ombudsman services outlined in the OAA. Section 304(d)(1)(B) refers to “such amount as the State agency determines to be adequate for conducting an effective ombudsman program” and section 307(a)(2)(C) requires States to specify a minimum proportion of funds to be spent by each area agency and that each area agency has provided assurances, according to section 306(a)(2), that an adequate proportion will be expended on access, in-home, and legal services.

The CARES Act provides supplemental funding for Title III-B. As such, the provisions outlined above for Title III-B would apply. However, under the flexibilities provided following approval of a major disaster declaration (MDD) application, States can expend funding for whatever services are necessary for disaster relief. There would remain an issue with meeting the minimum proportion requirement once the period of the MDD ends. If a State uses the MDD flexibilities and then has an end date with remaining III-B funds, they would be subject to meeting the minimum proportion requirements. To avoid this scenario, they should consider requesting a waiver to the minimum proportion requirements identified in Sec 306(a)(2) and Sec 307(a)(2), under the provisions of Section 316.

Question:

Can States purchase tablets, iPads and or other “devices” etc. for use by older adults/family caregivers with the supplemental funding?

Answer:

The supplemental funding was provided for use under various authorities of the Older Americans Act for responding to the impact and consequences of COVID-19. For example, purchasing such devices would be permissible under III-B to assist in addressing social isolation; under III-C to assist in ordering food and meals; under III-E to assist in the provision of virtual caregiver support; and under the LTC Ombudsman program to facilitate virtual visitation of facilities.

We urge States to develop policies and procedures governing the provision and usage of such devices and to consider issues such as whether they will be provided on loan, or permanently; what are the criteria for provision; what type

of assessment will be made to determine the conditions for provision and the frequency for reassessment; whether or not usage by individuals in the home who are younger than age 60 is a permissible use; how will IT support be provided; how will upgrades to software be provided; who is responsible if the device is broken, lost or stolen; will it be used only for the duration of the public health emergency and then retrieved; etc.

We encourage OAA programs to coordinate with existing programs such as ACL's Assistive Technology programs: <https://acl.gov/programs/assistive-technology/assistive-technology> prior to use of OAA funds for purchase of devices.

Question:

Can states purchase cell phone, internet/wifi, or broadband access if such services are not otherwise available in the homes of older adults/family caregivers with the supplemental funding?

Answer:

The supplemental funding was provided for use under various authorities of the Older Americans Act for responding to the impact and consequences of COVID-19. For example, purchasing cell phone or internet access would be permissible under III-B to assist in addressing social isolation; under III-C to assist in ordering food and meals; under III-E to assist in the provision of virtual caregiver support; and under the LTC Ombudsman program to facilitate virtual visitation of facilities.

We urge States to develop policies and procedures governing the provision and usage of cellular or internet access and to consider issues such as whether they will be provided on a fixed short term or longer basis; what are the criteria for provision; what type of assessment will be made to determine the conditions for provision and the frequency for reassessment; whether or not usage by individuals in the home who are younger than age 60 is a permissible use; how will IT support be provided; who is responsible if any limits on usage are exceeded; will it be provided only for the duration of the public health emergency; etc.

We encourage OAA programs to coordinate with existing programs such as FCC's Lifeline programs: <https://www.fcc.gov/consumers/guides/lifeline-support-affordable-communications> prior to use of OAA funds for the purchase of cellular or internet access.