

**PROGRAM INSTRUCTION**

**AoA-PI-05-01**

TO : STATE AGENCIES ON AGING ADMINISTERING PLANS  
UNDER TITLE III OF THE OLDER AMERICANS ACT,  
AS AMENDED

SUBJECT : Certification on Maintenance of Effort for  
Title III and Certification of Long-Term  
Care Ombudsman Program Expenditures -  
Fiscal Year 2004

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 program instruction requests the authorized official in each state agency on aging to submit a certification on maintenance of effort for Title III and certification of Long-Term Ombudsman program expenditures under Title III of the Older Americans Act(OAA) for fiscal year 2004. As required in the OAA, the state agency 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 nonfederal 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 reduced its expenditures.

In reporting the amount of state expenditures for the maintenance of effort requirement, states may include

expenditures incurred under the approved cost allocation plan for the state agency.

In compliance with 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 FY 2000. This amount must be expended annually on ombudsman services to residents of long-term care facilities. In addition, a state may not use ombudsman Title VII funds to supplant, replace, or in substitution for any other federal or state funding.

All of the Title VII ombudsman funding appropriated by Congress and allotted to a state for a specific year must be expended on direct costs of the Ombudsman Program.

In compliance with Section 306(a)(9): Each area agency must expend on activities of the Ombudsman Program not less than the amount of Title III funds expended by the area agency in FY 2000.

The authorized official in each state agency is requested to certify to the Administration on Aging that the fiscal year 2004 expenditure requirements have been met.

Attached are two certification forms which have been approved by the Office of Management and Budget (OMB). The certification forms must be signed by the authorized state agency official and submitted to the Regional Administrators, Administration on Aging, no later than June 10, 2005.

- DUE DATE : Due June 10, 2005 to Regional Administrators, Administration on Aging.
  
- ATTACHMENT : Certification of Maintenance of Effort Form OMB-0980-0009  
: Certification of Long-Term Care Ombudsman Program Expenditures Form OMB-0985-0005
  
- INQUIRIES : State agencies should address inquiries to Regional Administrators, Administration on Aging, HHS Regional Offices.

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Assistant Secretary for Aging

