

May 29, 2003

PROGRAM INSTRUCTION

AoA-PI-03-05

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

SUBJECT : Certification of Long-Term Care Ombudsman
Program Expenditures: Titles III and VII Minimum
Funding and Non-Supplantation
Requirements-Fiscal Year 2002

LEGAL AND RELATED
REFERENCES : 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 certify that the state met the Older Americans Act minimum funding and non-supplantation requirements for its statewide Long-Term Care Ombudsman Program for Fiscal Year 2002. The statutory requirements and congressional committee language regarding them are provided on the back of the enclosed form.

To help states ensure that they are meeting the requirements, each year AoA will send a copy of the form to each State director for certification that the state and the area agencies in the state expended the required amounts on the state and regional ombudsman programs and that the expenditures supplement and do not supplant other Federal, state or local funds expended to provide ombudsman services. The amounts the state reported expending in FY 2000 are included on the form, for reference.

The form should be signed by an official authorized to certify that the expenditure requirements have been met. The FY 2002 certification should be mailed to the Regional Administrators, Administration on Aging, no later than June 30, 2003.

DUE DATE : Due June 30, 2003 to Regional Administrators, Administration on Aging.

ATTACHMENT : Certification of Maintenance of Effort Form OMB-0985-0005

INQUIRIES : State agencies should address inquiries to Regional Administrators, Administration on Aging, HHS Regional Offices.

Josefina G. Carbonell
Assistant Secretary for Aging

Certification of Long-Term Care Ombudsman Program Expenditures

State Agency Expenditures: In accordance with Sections 307(a)(9) and 705(a)(4) of the Older Americans Act (OAA), I certify that for Fiscal Year _____ the State of _____ expended on its statewide Long-Term Care Ombudsman Program not less than an amount expended by the State agency with funds received under Title III for Fiscal Year 2000 and that VII expenditures supplemented and did not supplant any Federal, State or local funds expended by the State or unit of general purpose local government to provide ombudsman services.

Area Agency Expenditures: I further certify that, in compliance with Section 306(a)(9) of the OAA, each area agency on aging in the State which expended Title III funds received under Section 304 (d)(1)(B) of the Act on ombudsman activities in FY 2000 expended at least this amount on the Ombudsman Program, as defined in Section 712 of the OAA, during the past fiscal year and that these expenditures supplemented and did not supplant any Federal, State or local funds expended by the State or unit of general purpose local government to provide ombudsman services.
(See reverse for OAA requirements.)

Signature of authorized State official

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For reference, the following are the expenditures from various sources which your state reported to us for FY Year 2000 on your annual state ombudsman report under the National Ombudsman Reporting System (NORS).

Source	Base Year (FY 2000)
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Title VII, Chapter 2, Ombudsman	*
Title VII, Chapter 3, Abuse Prev.	
Title III, expended by State, as authorized in OAA, Sec.304(d)(1)(B)	
Title III provided at AAA level	
Other Federal	
State funds	
Local (Does not include "in kind.")	

TOTAL _____

A state must expend its full annual allocation of Title VII, Chapter 2 Ombudsman funds on the Ombudsman Program, as the program is defined in Section 712 of the Older Americans Act. The 2000 figure is for reference only.

ed certification to your Regional Administrator, Administration on Aging by the date specified in the accompanying Program Instruction.

**Act Ombudsman Minimum Funding and Non-Supplantation Requirements
(Including Congressional Intent) and State Authorization to Expend Title
III-B Funds on Ombudsman Activities**

The (State) plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman Program in accordance with section 712 and this title (III), and will expend for such purpose an amount that is not less than an amount expended by the State agency with funds received under this title (III) for fiscal year 2000, and an amount that is not less than the amount expended by the State agency with funds received under title VII for fiscal year 2000.

(The area plan must) provide assurances that the area agency, 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 2000 in carrying out such a program under this title.

In order to be eligible to receive an allotment under this subtitle, a State shall include in the State plan submitted under section 307 an assurance that the State will use funds made available under this subtitle in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of enactment of this subtitle, to carry out each of the vulnerable elder rights protections activities described in this chapter. (Emphasized words were added in the 2000 Amendments.)

Authorizing committee report: *It is the committee's intent for a State to expend in subsequent years, at a minimum, the amount spent by the State on its Long Term Care Ombudsman Program in FY 2000, in addition to any increase in funding provided for ombudsman activities in each fiscal year under Title VII.*

*The Senate Committee on Health, Education, Labor and Pensions [HELP] report
"Older Americans Act Amendments of 1999," Senate Committee Report
106-399, page 5*

ate expenditure of Title III-B funds for ombudsman activities:

From any state's allotment, after the application of section 308(b), under this section for any fiscal year... (B) such amount (excluding any amount attributable to funds appropriated under section 303(a)(3)) as the State agency determines to be adequate for conducting an effective ombudsman program under section 307(a)(9) shall be available for conducting such program.