



Area Agencies on Aging Bulletin 20-04

Date: September 25, 2020

To: Area Agencies on Aging Directors
Area Agencies on Aging Executive Directors

From: Access and Eligibility Services Program Policy

Subject: **1. Nutrition Waivers Extension**
2. COVID-19 Flexibilities Extension

This information is shared with Area Agencies on Aging (AAA) directors who must distribute to all staff and contractors.

Please direct any questions regarding the policy information in this bulletin to the AAA Help Desk (AAA.Help@hsc.state.tx.us).

Active bulletins are posted on the following website:

- [Area Agencies on Aging \(AAA\)](https://hhs.texas.gov/doing-business-hhs/provider-portals/long-term-care-providers/area-agencies-aging-aaa) at <https://hhs.texas.gov/doing-business-hhs/provider-portals/long-term-care-providers/area-agencies-aging-aaa>.

1. Nutrition Waivers Extension

Background

Nutrition waivers allow meal providers flexibility in the service delivery structure and design of their nutrition programs to better meet the needs of the people in their service area, sustain and potentially expand service levels, and improve cost efficiency. Nutrition waivers authorize the provision of any combination of hot, frozen, chilled, and shelf-stable meals and allow providers to serve fewer than five (5) meals per week. Nutrition waivers may be requested for both congregate and home delivered meals (HDMs).

Current Policy

AAAs submit nutrition waiver requests annually by completing Form 2027, *Home Delivered Meals Waiver Request*, and Form 2028, *Congregate Meals Waiver Request*. Nutrition waivers may be requested to allow meal providers to:

- serve fewer than five (5) meals a week;
- deliver any combination of hot, frozen, chilled and shelf stable meals; and
- observe more than 10 holidays per year.

Fiscal Year (FY) 2020 waivers will expire on September 30, 2020.

New Policy

All approved FY 2020 waivers are extended through September 30, 2021.

An AAA must submit a nutrition waiver request only if a meal provider is serving fewer than 5 meals per week and does not have an approved waiver for FY 2020.

Effective Date

This policy is effective October 1, 2020.

2. COVID-19 Flexibilities Extension

Background

On March 13, 2020, Governor Abbott declared a state of emergency for Texas due to the novel coronavirus (COVID-19) pandemic. On the same date, President Donald J. Trump declared a national public health emergency. In response to the public health emergency, guidance from state and federal leaders emphasized the need for social distancing and limiting contact with others.

To ensure AAAs and meal providers could meet the immediate nutritional needs of older Texans and to support access to Older Americans Act (OAA) services during the public health emergency, the Texas Health and Human Services Commission (HHSC) implemented temporary disaster-related flexibilities to certain state-specific OAA program requirements.

Current Policy

The following COVID-19 flexibilities for OAA nutrition and supportive services programs are effective through September 30, 2020:

- HDMs may be delivered at any time of day that is convenient for the provider and the consumer;
- meal providers may deliver hot, chilled, frozen, shelf-stable, or a combination without requesting HHSC approval;
- multiple meals may be delivered at one time;
- socialization contacts may be made via telephone, email, or text message to help address social isolation that may be experienced by homebound people;
- a person may opt out of socialization contacts;
Note: The election to opt out of socialization contacts must be documented in the person's file.
- meal providers may deliver meals at least once every two weeks, instead of at least weekly;
- providers who serve fewer than five meals a week must notify HHSC by contacting the AAA Help Desk;
- a Consumer Needs Evaluation (CNE) is not required to initiate HDM services for a person who moves from congregate to HDMs or who is new to the HDM program;
Note: The CNE must be completed within one year if the person remains in the HDM program.
- a Nutrition Risk Assessment (NRA) is not required for a person who is new to the nutrition programs;

Note: The NRA must be completed within one year if the person remains in a nutrition program.

- volunteers are not required to complete one hour of training but must receive written information about confidentiality;

Note: Volunteers are not required to complete one hour of training but must be provided written information about:

- confidentiality;
- handling meals safely, including not leaving a meal unattended and delivering a hot meal within four hours from the time it leaves temperature control; and
- personal hygiene, including CDC guidance for COVID-19.

Volunteers may sign and date an acknowledgement roster to indicate they received and understand the information.

- a signed client's rights and responsibilities form is not required to be on file in the AAA's records; and
- AAAs may provide telephone reassurance directly without requesting approval from HHSC.

Note: AAAs may enter into agreements with providers to provide telephone reassurance on a cost reimbursement basis or on a unit rate basis.

New Policy

The statewide COVID-19 flexibilities for OAA nutrition and supportive services programs will continue through the **end of the COVID-19 public health emergency (PHE), except:**

- the flexibility to delay completing the CNE and NRA; and
- notifying the Help Desk if a provider serves fewer than five meals a week.

The flexibility to delay the completion of the CNE and NRA will not be extended. As required by the Administration for Community Living (ACL), states must continue to collect and report data that is gathered through the CNE and NRA. ACL did not waive the data collection requirement and a continued delay in collecting the required data will impact the state's annual State Program Report to ACL. ACL has provided that the assessments for nutrition services may be completed by phone or through an online screening tool instead of in person. HHSC will notify the AAAs of any changes.

The OAA requires HHSC to approve the delivery of fewer than five congregate or home delivered meals per week.

Effective November 1, 2020, AAAs and meal providers must ensure:

- a CNE is completed for people who are new to the home delivered meals program and at each annual reassessment for people who continue to receive home delivered meals;
- an NRA is completed for people who are new to the congregate and home delivered meals programs and at each annual reassessment for people who continue to receive nutrition services; and
- a nutrition waiver is approved by HHSC if a meal provider is serving fewer than 5 meals per week and does not have an approved waiver for FY 2020.

Effective Date

The COVID-19 flexibilities are extended effective October 1, 2020 through the end of the PHE.

The requirement to complete the CNE and NRA is effective November 1, 2020.