CHAPTER 1457

COORDINATED COMMUNITY PROGRAMS FOR MAINE'S ELDERLY

§5113. Purpose

It is the purpose of this chapter to encourage and assist community and regional agencies to concentrate resources in order to develop greater capacity and foster the development of coordinated community programs to help older people by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to secure and maintain maximum independence and dignity in a home environment for older people capable of self-care with appropriate supportive services and remove individual and social barriers to economic and personal independence for older persons. [PL 1973, c. 630, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 630, §1 (NEW).

§5114. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings: [PL 1973, c. 630, §1 (NEW).]

1. Coordinated community program. "Coordinated community program" means a system for providing all necessary social services in a manner designed to:

A. Facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization; [PL 1973, c. 630, §1 (NEW).]

B. Develop and make the most efficient use of social services in meeting the needs of older persons; and [PL 1973, c. 630, §1 (NEW).]

C. Use available resources efficiently and with a minimum of duplication. [PL 1973, c. 630, §1 (NEW).]

[PL 1981, c. 470, Pt. A, §112 (AMD).]

2. Social services. "Social services" means any of the following services that meet such standards as the commissioner may prescribe:

A. Health services, including health aides, home care, homemakers, home repair and chore service and community care including counseling, information and referral services, continuing education, recreation and volunteer services; [PL 1973, c. 630, §1 (NEW).]

B. Transportation, when necessary to facilitate access to social services, with priority given to health services including hospitals, physician care, bona fide clinics, prescription drugs and other essential medications, meals programs and food distribution centers; and with priority given to income producing and supplement programs including social security, supplemental security and tax refunds; [PL 2015, c. 494, Pt. D, §5 (AMD).]

C. Meals programs that provide at least one hot meal per day and any additional meals, hot or cold, that the recipient of a grant or contract may elect to provide, each of which assures a minimum of 1/3 of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Science -- National Research Council, and that provide such meals programs for individuals aged 60 and over and their spouses at sites close to the individual's residence; and where appropriate to furnish transportation to such site or home-delivered meals to

homebound older people; and to administer such meals programs in accordance with the appropriate and pertinent portions of the "nutrition and other program requirements" of the National Nutrition Program for the Elderly; [PL 2015, c. 494, Pt. D, §5 (AMD).]

D. Services designed to encourage and assist older persons to use facilities and services available to them; [PL 1973, c. 630, §1 (NEW).]

E. Services designed to assist older persons to obtain adequate housing; [PL 1973, c. 630, §1 (NEW).]

F. Services designed to assist older persons in avoiding institutionalization, including evaluation and screening and home health services; [PL 2015, c. 332, §1 (AMD).]

G. Any other services necessary for the general well-being of older persons; or [PL 2015, c. 332, §1 (AMD).]

H. Services designed to assist older persons with maintaining their financial independence and avoiding financial exploitation, including personal financial management assistance. [PL 2015, c. 332, §2 (NEW).]

[PL 2015, c. 494, Pt. D, §5 (AMD).]

SECTION HISTORY

PL 1973, c. 630, §1 (NEW). PL 1981, c. 470, §A112 (AMD). PL 2015, c. 332, §§1, 2 (AMD). PL 2015, c. 494, Pt. D, §5 (AMD).

§5115. Coordinated community programs

Coordinated community programs are authorized to be provided by the office through grants to each area agency with a plan approved under section 5118 for paying part of the cost, pursuant to the last 2 paragraphs of this section, of the preparation, development and administration of a plan by each area agency designated pursuant to section 5116, subsection 1, paragraph B for a coordinated community program consistent with section 5118 and the evaluation of activities carried out under such plan; and the development and provision of coordinated community programs for the delivery of social services. [RR 2011, c. 2, §28 (COR).]

From the sums appropriated for any fiscal year, each area agency shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such geographical boundaries of the area served by the area agency bears to the population aged 60 or over in the entire State. [PL 1973, c. 630, §1 (NEW).]

The number of persons aged 60 or over in the geographical boundaries of the area served by any area agency and in the entire State must be determined by the commissioner on the basis of the most recent and satisfactory data available to the commissioner. [PL 2015, c. 494, Pt. D, §6 (AMD).]

Whenever the commissioner determines that any amount allotted to an area agency for a fiscal year under this section will not be used by such agency for carrying out the purpose for which the allotment was made, the commissioner shall make such amount available for carrying out such purpose to one or more other area agencies to the extent the commissioner determines such other area agencies will be able to use such additional amount for carrying out such purpose. Any amount made available to an area agency from an appropriation for a fiscal year pursuant to the preceding sentence must, for purposes of this section, be regarded as part of such agency's allotment, as determined under the preceding provisions of this section for such year. [PL 2015, c. 494, Pt. D, §6 (AMD).]

From such agency's allotment under this section for a fiscal year, such amount as the state agency determines, but not more than 15% thereof, shall be available for paying such percentage as the state agency determines, but not more than 75% of the cost of administration of area plans; and such amount as the state agency determines, but not more than 20% thereof, shall be available for paying such percentage as the state agency determines, but not more than 50%, of the cost of social services which

are not provided as a part of a coordinated community program in program areas for which there is an area plan approved by the state agency. [PL 1973, c. 630, §1 (NEW).]

The remainder of such allotment shall be available to the area agency only for paying such percentage as the state agency determines, but not more than 75% of the cost of social services provided in the area as a part of a coordinated community program in a service area in which there is an area plan approved by the state agency. [PL 1973, c. 630, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 630, §1 (NEW). RR 2011, c. 2, §28 (COR). PL 2015, c. 494, Pt. D, §6 (AMD).

§5116. State organization

1. Organization. In order for an area of the State to be eligible to participate in the program of grants to area agencies from allotments under section 5115:

A. The State shall be divided into distinct coordinated community program areas, hereinafter in this chapter referred to as an area, after considering the geographical distribution of individuals aged 60 and older in the area, the incidence of the need for social services, including the number of older persons with low incomes residing in such areas, the distribution of resources available to provide such services and the location of units of general purpose county and municipal government within the State; and [PL 1973, c. 630, §1 (NEW).]

B. The state agency must, in accordance with regulations of the commissioner, designate an area agency as the sole area agency to:

(1) Develop the area plan to be submitted to the commissioner for approval under section 5118;

(2) Administer the area plan within such area;

(3) Be primarily responsible for the coordination of all area activities related to the purposes of this Act; and

(4) Review and comment on, under its own initiative or at the request of any state or federal department or agency, any application from any agency or organization within such area to such state or federal department or agency for assistance related to meeting the needs of older persons; and

(5) Develop and provide, or assure the provision of, coordinated community programs for the delivery of social services; and [PL 2015, c. 494, Pt. D, §7 (AMD).]

C. The area agency designated pursuant to paragraph B shall:

(1) Determine which portions of its area will be included in the area plan to be developed in accordance with section 5118; and

(2) Provide assurances satisfactory to the commissioner that the area agency will take into account, in connection with matters of general policy arising in the development and administration of the area plan for any fiscal year, the recommendations of older people in need of or served by social services provided under such plan. [PL 2015, c. 494, Pt. D, §7 (AMD).]

[PL 2015, c. 494, Pt. D, §7 (AMD).]

SECTION HISTORY

PL 1973, c. 630, §1 (NEW). PL 2015, c. 494, Pt. D, §7 (AMD).

§5117. Area organization

An area agency designated under section 5116, subsection 1, paragraph B must be an established office of aging which is operating within an area designated pursuant to section 5116, subsection 1, paragraph A, or any public or nonprofit private agency in an area which is able to operate under grants

authorized by this Act and which is able to engage in the planning or provision of a broad range of social services within such an area and must provide assurance, found adequate by the state agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the area. In designating an area agency, the state agency shall give preference to an established office on aging, unless the state agency finds that no such office within the area will have the capacity to carry out the area plan. [PL 1973, c. 630, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 630, §1 (NEW).

§5118. Area plans

1. Plans. In order to be approved by the state agency, an area plan must be developed by the area agency designated with respect to such area under section 5116, subsection 1, paragraph B and must:

A. Provide for the establishment of a coordinated community program for the delivery of social services within the area covered by the plan, including determining the need for social services in such area, taking into consideration, among other things, the number of older persons with low incomes residing in such area, the extent to which existing public or private programs meet such need, evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need; [PL 1973, c. 630, §1 (NEW).]

B. In accordance with criteria established by the commissioner by regulation relating to priorities, provide for the initiation, expansion or improvement of social services in the area covered by the area plan; [PL 2015, c. 494, Pt. D, §8 (AMD).]

C. Provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this paragraph, an information and referral source is a location where a public or private agency or organization:

(1) Maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities; and

(2) Employs a specially trained staff to inform older persons of the opportunities and services that are available, and assists these persons to take advantage of these opportunities and services; [PL 2015, c. 494, Pt. D, §8 (AMD).]

D. Provide that the area agency will:

(1) Conduct periodic evaluations of activities carried out pursuant to the area plan;

(2) Render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

(3) When necessary and feasible, enter into arrangements, consistent with the area plan, under which funds under this Title may be used to provide legal services to older persons in the area carried out through federally assisted programs or other public or nonprofit agencies;

(4) Take into account, in connection with matters of general policy arising in the development and administration of the area plan, the recommendations of older people in need of or served by social services provided under such plan;

(5) When possible, enter into arrangements with organizations providing children services so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

(6) Establish an advisory council, which may be the board of directors or a subcommittee thereof, of the area agency consisting of at least 65% older people representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder. [PL 2015, c. 494, Pt. D, §8 (AMD).]

E. Provide for the use of such methods of administration as are necessary for the proper and efficient administration of the plan; [PL 1981, c. 470, Pt. A, §115 (AMD).]

F. Provide that the area agency will make such reports, in such form and containing such information as the commissioner may from time to time require, and comply with such requirements as the commissioner may impose to assure the correctness of these reports; [PL 2015, c. 494, Pt. D, §8 (AMD).]

G. Establish objectives consistent with the purposes of this Title toward which activities under the plan will be directed, identify obstacles to the attainment of those objectives and indicate how it proposes to overcome those obstacles; [PL 2015, c. 494, Pt. D, §8 (AMD).]

H. Provide that no social service will be directly provided by the state agency or an area agency, except when, in the judgment of the state agency, provision of that service by the state agency or an area agency is necessary to assure an adequate supply of that service; and [PL 2015, c. 494, Pt. D, §8 (AMD).]

I. Provide that preference must be given to persons aged 60 or over for any staff positions, full-time or part-time, in area agencies for which these persons qualify. [PL 2015, c. 494, Pt. D, §8 (AMD).]

J. [PL 1981, c. 470, Pt. A, §116 (RP).]

K. [PL 1981, c. 470, Pt. A, §116 (RP).]

L. [PL 1981, c. 470, Pt. A, §116 (RP).]

M. [PL 1981, c. 470, Pt. A, §116 (RP).]
[PL 2015, c. 494, Pt. D, §8 (AMD).]

2. Approval of area plan. The commissioner shall approve any area plan that the commissioner finds fulfills the requirements of subsection 1, paragraphs A to I.
[PL 2015, c. 494, Pt. D, §8 (AMD).]

3. Notice and opportunity for hearing. The commissioner may not make a final determination disapproving any area plan, or any modification thereof, or make a final determination that an area agency is ineligible under section 5116, without first affording the area agency reasonable notice and opportunity for a hearing.
[PL 2015, c. 494, Pt. D, §8 (AMD).]

4. Findings. Whenever the director, after reasonable notice and opportunity for hearing to the area agency, finds that:

A. The area agency is not eligible under section 5116; [PL 1981, c. 470, Pt. A, §117 (NEW).]

B. The area plan has been so changed that it no longer complies with subsection 1, paragraphs A to I; or [PL 1981, c. 470, Pt. A, §117 (NEW).]

C. In the administration of the plan, there is a failure to comply substantially with any provision of subsection 1, paragraphs A to I, the commissioner shall notify the area agency that no further payments from its allotments under section 5115 and Section 306 of the federal Older Americans Act of 1965, 42 United States Code, Section 3026 will be made to the agency or, in the commissioner's discretion, that further payments to the agency will be limited to projects under or portions of the area plan not affected by the failure, until the commissioner is satisfied that there

will no longer be any failure to comply. Until the commissioner is so satisfied, further payments may not be made to the agency from its allotments under section 5115, or payments may be limited to projects under or portions of the area plan not affected by the failure. The commissioner shall, in accordance with rules adopted by the commissioner, disburse funds so withheld directly to any public or nonprofit private organization or agency of the area, submitting an approved plan in accordance with section 5116. Any payment or payments must be matched in the proportions specified in section 5116. [PL 2015, c. 494, Pt. D, §8 (AMD).]

[PL 2015, c. 494, Pt. D, §8 (AMD).]

5. Final action; dissatisfaction. An agency that is dissatisfied with a final action under subsection 2, 3 or 4 may appeal to the commissioner by filing a petition with the commissioner within 60 days after final action. The judgment of the commissioner affirming or setting aside, in whole or in part, any action is final.

[PL 2015, c. 494, Pt. D, §8 (AMD).]

SECTION HISTORY

PL 1973, c. 630, §1 (NEW). PL 1981, c. 470, §§A113-117 (AMD). PL 2003, c. 510, §B8 (AMD). PL 2015, c. 494, Pt. D, §8 (AMD).

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