

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #1

Do Not Mark In This Box

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2002 MAY -1 P 12:14

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A PUBLIC HEARING ON A PROPOSED RULE**

AGENCY: West Virginia Bureau of Senior Services TITLE NUMBER: 76

RULE TYPE: Interpretive CITE AUTHORITY: 16-5P-1 et seq.

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: West Virginia State Plan for Aging Programs

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

DATE OF PUBLIC HEARING: June 19, 2002 TIME: 11:00 A.M.

LOCATION OF PUBLIC HEARING: Conference Center, Room B  
Building 7  
Capitol Complex, Charleston

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH   
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:

Public Comment Period June 1 - June 30

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

WV Bureau of Senior Services  
1900 Kanawha Boulevard East  
Charleston, WV 25305-0160

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Authorized Signature

SCANNED



STATE OF WEST VIRGINIA  
BUREAU OF SENIOR SERVICES

1900 Kanawha Boulevard, East  
Holly Grove - Building 10  
Charleston, West Virginia 25305-0160  
Telephone (304) 558-3317  
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Bob Wise  
Governor

Ann M. Stottlemyer  
Commissioner

May 1, 2002

Ms. Judy Cooper, Director  
Administrative Law  
Secretary of State  
Building 1, Suite 157-K  
1900 Kanawha Boulevard East  
Charleston, WV 25305-0770

Dear Ms. Cooper:

The Bureau of Senior Services is hereby filing the West Virginia State Plan for Aging Programs as an Interpretive Rule. Enclosed is the Notice of Public Hearing and a brief summary of the proposal.

Thank you for your assistance with this matter. If you have questions or need additional information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Ann M. Stottlemyer".

Ann M. Stottlemyer  
Commissioner

Enclosures

## WEST VIRGINIA STATE PLAN FOR AGING PROGRAMS

The State Plan for Aging Programs includes all assurances and plans to be conducted by the West Virginia Bureau of Senior Services under the provisions of the Older Americans Act of 1965, as amended. The Bureau of Senior Services is primarily responsible for the coordination of all State activities related to the purposes of the Act. It assumes the major responsibilities of developing and administering a comprehensive and coordinated system of services and activities for providing a positive impact on the lives of elderly people within the service area.

76CSR3

**TITLE 76  
INTERPRETIVE RULES  
WEST VIRGINIA BUREAU OF SENIOR SERVICES**

**SERIES 3  
WEST VIRGINIA STATE PLAN FOR AGING PROGRAMS**

**§76-3-1. GENERAL**

1.1. Scope. – The State Plan for Aging Programs includes all assurances and plans to be conducted by the Bureau of Senior Services under the provisions of the Older Americans Act of 1965, as amended. The Bureau of Senior Services is primarily responsible for the coordination of all State activities related to the purposes of the Act. It assumes the major responsibilities of developing and administering a comprehensive and coordinated system of services and activities for providing a positive impact on the lives of elderly people within the service area.

1.2. Authority. – W.Va. Code §16-5P-1 et. seq.

1.3. Filing Date. –

1.4. Effective Date –

**§76-3-2. Incorporation By Reference.**

The West Virginia State Plan for Aging Programs is hereby incorporated by reference as an interpretive rule. This document is available from the Secretary of State's Office or the West Virginia Bureau of Senior Services.

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2002 MAY -1 P 1:15

FILED



BUREAU OF SENIOR SERVICES

West Virginia  
Older Americans Act  
State Plan on Aging

October 2002 - September 2006

**WEST VIRGINIA BUREAU OF SENIOR SERVICES**  
**Older Americans Act State Plan for Aging Programs**  
**FY03 - 06**

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## SECTION I: FY03-FY06 VERIFICATION OF INTENT

The Older Americans Act State Plan for Aging Programs is hereby submitted by the West Virginia Bureau of Senior Services for the period of October 1, 2002 through September 30, 2006. This document includes all assurances and plans to be conducted by the West Virginia Bureau of Senior Services under provisions of the Older Americans Act, as amended, during the period identified. The State Unit on Aging, as identified, has been given the authority to develop and administer the Older Americans Act State Plan for Aging Programs in accordance with all requirements of the Act, and is primarily responsible for the coordination of all State activities related to the purposes of the Act. The West Virginia Bureau of Senior Services will assume full authority to develop and administer the Older Americans Act State Plan in accordance with all requirements of the Act and related State policies, procedures and regulations. In accepting this authority, the West Virginia Bureau of Senior Services assumes the major responsibilities to develop and administer a comprehensive and coordinated system of services and activities for providing a positive impact on the lives of older people within the service area.

By submitting this Older Americans Act State Plan to the United States Administration of Aging for approval, the West Virginia Bureau of Senior Services and its provider agencies agree to comply with all requirements identified in the Older Americans Act.

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Date

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Ann M. Stottlemeyer  
Commissioner

I hereby approve this Older Americans Act State Plan for Aging Programs and submit it to the United States Assistant Secretary for Aging for approval.

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Date

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Bob Wise, Governor  
State of West Virginia

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## SECTION II: ASSURANCE OF COMPLIANCE

This section of the FY03 - FY06 Older Americans Act State Plan for Aging Programs asserts West Virginia's acceptance of the following federal conditions and assurances required by sections 305, 306 and 307 of the Older Americans Act as amended in 2000 (Public Law 106 - 501.)

### Sec. 305, ORGANIZATION

(1) The State agency shall, except as provided in subsection (b)(5), designate for each such area (planning and service area) after consideration of the views offered by the unit or units of general purpose local government in such area, a public or private nonprofit agency or organization as the area agency on aging for such area. **((a)(2)(A))**

(2) The State agency shall provide assurances, satisfactory to the Assistant Secretary, that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of supportive services or nutrition services, or individuals using multipurpose senior centers provided under such plan. **((a)(2)(B))**

(3) The State agency shall provide assurance that preference will be given to providing services to older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals and older individuals residing in rural areas and include proposed methods of carrying out the preference in the State plan. **((a)(2)(E))**

(4) The State agency shall provide assurances that the State agency will require use of outreach efforts described in section 307(a)(16). **((a)(2)(F))**

(5) The State agency shall provide an assurance that the State agency will undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals and older individuals residing in rural areas. **((a)(2)(G)(H))**

(6) In the case of a State specified in subsection (b)(5), the State agency and area agencies shall provide assurance, determined adequate by the State agency, that the area agency on aging will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. **((c)(5))**

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## Sec. 306, AREA PLANS

(1) Each area agency on aging shall provide assurances that an adequate proportion, as required under section 307(a)(2), of the amount allotted for part B to the planning and service area will be expended for the delivery of each of the following categories of services—

(A) services associated with access to services (transportation, outreach, information and assistance, and case management services);

(B) in-home services, including supportive services for families of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction; and

(C) legal assistance;

and assurances that the area agency on aging will report annually to the State agency in detail the amount of funds expended for each such category during the fiscal year most recently concluded. **((a)(2))**

(2) Each area agency on aging shall provide assurances that the area agency on aging will set specific objectives for providing services to older individuals with greatest economic need and older individuals with greatest social need, include specific objectives for providing services to low-income minority individuals and older individuals residing in rural areas, and include proposed methods of carrying out the preference in the area plan. **((a)(4)(A)(i))**

(3) Each area agency on aging shall provide assurances that the area agency on aging will include in each agreement made with a provider of any service under this title, a requirement that such provider will—

(A) specify how the provider intends to satisfy the service needs of low-income minority individuals and older individuals residing in rural areas in the area served by the provider;

(B) to the maximum extent feasible, provide services to low-income minority individuals and older individuals residing in rural areas in accordance with their need for such services; and

(C) meet specific objectives established by the area agency on aging, for providing services to low-income minority individuals and older individuals residing in rural areas within the planning and service area. **((a)(4)(ii))**

(4) With respect to the fiscal year preceding the fiscal year for which such plan is prepared, each area agency on aging shall—

(A) identify the number of low-income minority older individuals and older individuals residing in rural areas in the planning and service area;

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(B) describe the methods used to satisfy the service needs of such minority older individuals; and

(C) provide information on the extent to which the area agency on aging met the objectives described in clause (a)(4)(A)(i). **((a)(4)(A)(iii))**

(5) Each area agency on aging shall provide assurances that the area agency on aging will use outreach efforts that will identify individuals eligible for assistance under this Act, with special emphasis on—

(A) older individuals residing in rural areas;

(B) older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(C) older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(D) older individuals with severe disabilities;

(E) older individuals with limited English-speaking ability; and

(F) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals);

and inform the older individuals referred to in (A) through (F), and the caretakers of such individuals, of the availability of such assistance.

**((a)(4)(B))**

(6) Each area agency on aging shall provide assurance that the area agency on aging will ensure that each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority older individuals and older individuals residing in rural areas.

**((a)(4)(C))**

(7) Each area agency on aging shall provide assurances that the area agency on aging will coordinate planning, identification, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities, with agencies that develop or provide services for individuals with disabilities. **((a)(5))**

(8) Each area agency on aging shall provide assurances that the area agency on aging, 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. **((a)(9))**

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(9) Each area agency on aging shall provide information and assurances concerning services to older individuals who are Native Americans (referred to in this paragraph as "older Native Americans"), including—

(A) information concerning whether there is a significant population of older Native Americans in the planning and service area and if so, an assurance that the area agency on aging will pursue activities, including outreach, to increase access of those older Native Americans to programs and benefits provided under this title;

(B) an assurance that the area agency on aging will, to the maximum extent practicable, coordinate the services the agency provides under this title with services provided under title VI; and

(C) an assurance that the area agency on aging will make services under the area plan available, to the same extent as such services are available to older individuals within the planning and service area, to older Native Americans. **((a)(11))**

(10) Each area agency on aging shall provide assurances that the area agency on aging will maintain the integrity and public purpose of services provided, and service providers, under this title in all contractual and commercial relationships. **((a)(13)(A))**

(11) Each area agency on aging shall provide assurances that the area agency on aging will disclose to the Assistant Secretary and the State agency--

(A) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

(B) the nature of such contract or such relationship. **((a)(13)(B))**

(12) Each area agency on aging shall provide assurances that the area agency will demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this title by such agency has not resulted and will not result from such non-governmental contracts or such commercial relationships. **((a)(13)(C))**

(13) Each area agency on aging shall provide assurances that the area agency will demonstrate that the quantity or quality of the services to be provided under this title by such agency will be enhanced as a result of such non-governmental contracts or commercial relationships. **((a)(13)(D))**

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(14) Each area agency on aging shall provide assurances that the area agency will, on the request of the Assistant Secretary or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals. **((a)(13)(E))**

(15) Each area agency on aging shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title. **((a)(14))**

(16) Each area agency on aging shall provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title. **((a)(15))**

### **Sec. 307, STATE PLANS**

(1) The plan shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid to the recipients of a grant or contract. **((a)(7)(A))**

(2) The plan shall provide assurances that—

(A) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging, or in the designation of the head of any subdivision of the State agency or of an area agency on aging, is subject to a conflict of interest prohibited under this Act;

(B) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this Act; and

(C) mechanisms are in place to identify and remove conflicts of interest prohibited under this Act. **((a)(7)(B))**

(3) The 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, 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 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. **((a)(9))**

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(4) The plan shall provide assurance that the special needs of older individuals residing in rural areas will be taken into consideration and shall describe how those needs have been met and describe how funds have been allocated to meet those needs. **((a)(10))**

(5) The plan shall provide assurances that area agencies on aging will--

(A) enter into contracts with providers of legal assistance which can demonstrate the experience or capacity to deliver legal assistance;

(B) include in any such contract provisions to assure that any recipient of funds under division (A) will be subject to specific restrictions and regulations promulgated under the Legal Services Corporation Act (other than restrictions and regulations governing eligibility for legal assistance under such Act and governing membership of local governing boards) as determined appropriate by the Assistant Secretary; and

(C) attempt to involve the private bar in legal assistance activities authorized under this title, including groups within the private bar furnishing services to older individuals on a pro bono and reduced fee basis.

**((a)(11)(A))**

(6) The plan contains assurances that no legal assistance will be furnished unless the grantee administers a program designed to provide legal assistance to older individuals with social or economic need and has agreed, if the grantee is not a Legal Services Corporation project grantee, to coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this title on individuals with the greatest such need; and the area agency on aging makes a finding, after assessment, pursuant to standards for service promulgated by the Assistant Secretary, that any grantee selected is the entity best able to provide the particular services. **((a)(11)(B))**

(7) The plan contains assurances, to the extent practicable, that legal assistance furnished under the plan will be in addition to any legal assistance for older individuals being furnished with funds from sources other than this Act and that reasonable efforts will be made to maintain existing levels of legal assistance for older individuals; **((a)(11)(D))**

(8) The plan contains assurances that area agencies on aging will give priority to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination. **((a)(11)(E))**

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(9) The plan shall provide, whenever the State desires to provide for a fiscal year for services for the prevention of abuse of older individuals, the plan contains assurances that any area agency on aging carrying out such services will conduct a program consistent with relevant State law and coordinated with existing State adult protective service activities for—

- (A) public education to identify and prevent abuse of older individuals;
- (B) receipt of reports of abuse of older individuals;
- (C) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance where appropriate and consented to by the parties to be referred; and
- (D) referral of complaints to law enforcement or public protective service agencies where appropriate. **((a)(12))**

(10) The plan shall provide assurances that each State will assign personnel (one of whom shall be known as a legal assistance developer) to provide State leadership in developing legal assistance programs for older individuals throughout the State. **((a)(13))**

(11) The plan shall provide assurances that, if a substantial number of the older individuals residing in any planning and service area in the State are of limited English-speaking ability, then the State will require the area agency on aging for each such planning and service area—

(A) to utilize in the delivery of outreach services under section 306(a)(2)(A), the services of workers who are fluent in the language spoken by a predominant number of such older individuals who are of limited English-speaking ability; and

(B) to designate an individual employed by the area agency on aging, or available to such area agency on aging on a full-time basis, whose responsibilities will include—

(i) taking such action as may be appropriate to assure that counseling assistance is made available to such older individuals who are of limited English-speaking ability in order to assist such older individuals in participating in programs and receiving assistance under this Act; and

(ii) providing guidance to individuals engaged in the delivery of supportive services under the area plan involved to enable such individuals to be aware of cultural sensitivities and to take into account effectively linguistic and cultural differences. **((a)(14))**

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(12) The plan shall provide assurances that the State agency will require outreach efforts that will identify individuals eligible for assistance under this Act, with special emphasis on—

- (A) older individuals residing in rural areas;
- (B) older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas);
- (C) older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas);
- (D) older individuals with severe disabilities;
- (E) older individuals with limited English-speaking ability; and
- (F) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and inform the older individuals referred to in clauses (A) through (F) and the caretakers of such individuals, of the availability of such assistance. **((a)(16))**

(13) The plan shall provide, with respect to the needs of older individuals with severe disabilities, assurances that the State will coordinate planning, identification, assessment of needs, and service for older individuals with disabilities with particular attention to individuals with severe disabilities with the State agencies with primary responsibility for individuals with disabilities, including severe disabilities, to enhance services and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities. **((a)(17))**

(14) The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to section 306(a)(7), for older individuals who—

- (A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently;
- (B) are patients in hospitals and are at risk of prolonged institutionalization;
- or
- (C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them. **((a)(18))**

(15) The plan shall include the assurances and description required by section 705(a). **((a)(19))**

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(16) The plan shall provide assurances that special efforts will be made to provide technical assistance to minority providers of services. **((a)(20))**

(17) The plan shall—

(A) provide an assurance that the State agency will coordinate programs under this title and programs under title VI, if applicable; and

(B) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this title, if applicable, and specify the ways in which the State agency intends to implement the activities. **((a)(21))**

(18) If case management services are offered to provide access to supportive services, the plan shall provide that the State agency shall ensure compliance with the requirements specified in section 306(a)(8). **((a)(22))**

(19) The plan shall provide assurances that demonstrable efforts will be made—

(A) to coordinate services provided under this Act with other State services that benefit older individuals; and

(B) to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisers in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs. **((a)(23))**

(20) The plan shall provide assurances that the State will coordinate public services within the State to assist older individuals to obtain transportation services associated with access to services provided under this title, to services under title VI, to comprehensive counseling services, and to legal assistance. **((a)(24))**

(21) The plan shall include assurances that the State has in effect a mechanism to provide for quality in the provision of in-home services under this title. **((a)(25))**

(22) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State agency or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title. **((a)(26))**

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**Sec.308, PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS**

(1) No application by a State under subparagraph (b)(3)(A) shall be approved unless it contains assurances that no amounts received by the State under this paragraph will be used to hire any individual to fill a job opening created by the action of the State in laying off or terminating the employment of any regular employee not supported under this Act in anticipation of filling the vacancy so created by hiring an employee to be supported through use of amounts received under this paragraph. **((b)(3)(E))**

**SEC. 705. ADDITIONAL STATE PLAN REQUIREMENTS (as numbered in statute)**

(1) The State plan shall provide an assurance that the State, in carrying out any chapter of this subtitle for which the State receives funding under this subtitle, will establish programs in accordance with the requirements of the chapter and this chapter.

(2) The State plan shall provide an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, recipients of grants under title VI, and other interested persons and entities regarding programs carried out under this subtitle.

(3) The State plan shall provide an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights.

(4) The State plan shall provide an assurance that the State will use funds made available under this subtitle for a chapter 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 the enactment of this subtitle, to carry out each of the vulnerable elder rights protection activities described in the chapter.

(5) The State plan shall provide an assurance that the State will place no restrictions, other than the requirements referred to in clauses (i) through (iv) of section 712(a)(5)(C), on the eligibility of entities for designation as local Ombudsman entities under section 712(a)(5).

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(6) The State plan shall provide an assurance that, with respect to programs for the prevention of elder abuse, neglect, and exploitation under chapter 3—

(A) in carrying out such programs the State agency will conduct a program of services consistent with relevant State law and coordinated with existing State adult protective service activities for—

- (i) public education to identify and prevent elder abuse;
- (ii) receipt of reports of elder abuse;
- (iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and if the individuals to be referred consent; and
- (iv) referral of complaints to law enforcement or public protective service agencies if appropriate;

(B) the State will not permit involuntary or coerced participation in the program of services described in subparagraph (A) by alleged victims, abusers, or their households; and

(C) all information gathered in the course of receiving reports and making referrals shall remain confidential except—

- (i) if all parties to such complaint consent in writing to the release of such information;
- (ii) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or
- (iii) upon court order.

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## **SECTION III: STATE PROFILE**

### **Geographical & Demographic Characteristics**

West Virginia, the Mountain State, has 24,231 square miles with a mean altitude of 1500 feet – the highest average altitude east of the Mississippi River. There are slightly over 1.8 million residents in the state. The Census Bureau classifies West Virginia as one of the most rural states in the nation. In 18 of the 55 counties more than 95% of persons 60+ live in rural areas. Less than 50% of older persons are classified as rural in only 9 of the counties.

The ancestry of the state's population is primarily a combination of Irish and Celtic followed by a broad mixture from other European countries. Consequently, less than five percent of the population is classified as non-white.

Older West Virginians value their independence, self-sufficiency and preservation of the family homestead. This lifestyle is demonstrated by the fact that residents maintain the highest percent of home ownership in the nation at 75.15%. Almost 85% of individuals age 65 and older own their home.

West Virginia has the highest median age in the nation at 38.9, and the state's percent of people age 60 and older is ranked second in the nation. Between 1990 and 2000 people 85 and older increased by 24.8%; the number of individuals age 90 and older grew by 413%.

### **Economic Status**

In 1999 the average household income in West Virginia was \$26,008 compared to the national average of \$33,313. There is 17.8% of the state's population living at or below the poverty level as compared to the national figure of 12.7%. Of residents age 65 and older, 17.6% are living below the poverty level.

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West Virginia is the largest producer of oil and natural gas east of the Mississippi and usually ranks second or third in coal production. The state has 20,500 family-run farms that generate over \$400 million dollars in commodity sales each year. One of the largest growth industries occurring during the last decade is tourism. From 1999 to 2000, the number of visitors to the state increased 7.4% to 21.3 million visitors. The average daily expenditure per person rose 16.1% to \$69.50.

### **Health & Long Term Care Status**

Thirty-seven of West Virginia's 55 counties are classified as being medically underserved areas with an additional 12 counties classified as partially underserved. There are 15 counties designated as Health Care Professional Shortage areas with an additional 17 classified as having partial shortages. West Virginia currently has 215 physicians per 100,000 residents as compared to 251 nationally.

In 2000, the state had 5,527 seniors (65 and older) participating in SSI. Census sampling further indicates the state has 25.4% of the 65+ population who have mobility or self care limitations.

There are 141 certified nursing facilities in the state, and 41.1 beds per 1000 of the 65+ population. The state has 753 assisted living facilities.

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## **SECTION IV: ADMINISTRATIVE ORGANIZATION AND MISSION**

### **A. Statutory Authority**

Under the authority of the West Virginia Code, Chapter 16, Article 5N, the West Virginia Bureau of Senior Services is given authority and responsibility as West Virginia's State Unit on Aging.

#### **§ 16-5N-1. Creation and composition.**

The purpose of this article is to create a bureau in state government which promotes services to enhance the health, safety and welfare of West Virginia's senior population and serves as the primary agency within state government to provide services to the senior population.

#### **§ 16-5N-6. Powers and duties generally.**

The Commissioner shall be the executive and administrative head of the bureau and shall have the power and duty to:

- (a) Exercise general supervision of the bureau;
- (b) Propose legislative rules for the effective and expeditious performance and discharge of the duties and responsibilities placed upon the commissioner by law;
- (c) Conduct and coordinate studies of the problems of the state's older people;
- (d) Encourage and promote the establishment of local programs and services for the aging;
- (e) Conduct programs of public education on the problems of aging;
- (f) Review state programs for the aging, and annually make recommendations to the governor and the Legislature;
- (g) Encourage and assist governmental and private agencies to coordinate effective efforts on behalf of the aging;
- (h) Coordinate statewide local and voluntary efforts to serve the aging and develop programs at the local level;
- (i) Supervise fiscal management and responsibilities of the bureau;
- (j) Keep an accurate and complete record of all bureau proceedings, record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the bureau;

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- (k) Submit an annual report to the governor on the condition, operation and functioning of the bureau;
  - (l) Invoke any legal or special remedy for the enforcement of orders or the provisions of this chapter;
  - (m) Standardize administration, expedite bureau business, revise rules and promote the efficiency of the service;
  - (n) Provide a program of continuing professional, technical and specialized instruction for the personnel of the bureau and local service providers; and
  - (o) Receive on behalf of the state any grant or gift and accept the same, so that the title shall pass to the state. All moneys from grants or gifts shall be deposited with the state treasurer in a special fund and shall be used for the purposes set forth in the grant or gift.

**§ 16-5N-12. Designated state agency for handling federal programs.**

The bureau shall constitute the designated state agency for handling all programs of the federal government relating to the aging requiring action within the state, which are not the specific responsibility of another state agency under the provisions of federal law or which have not been specifically entrusted to another state agency by the Legislature. The bureau shall be empowered to comply with all regulations and requirements to qualify for federal grants and to administer such federal funds.

**Federally Authorized Functions**

From the perspective of the Federal Older Americans Act of 1965, as amended, the Bureau is the single State Unit on Aging, responsible for developing and administering a State Plan that responds to all requirements of the Act, for allocating and accounting for those federal funds appropriated for aging programs, and for serving as a liaison with the federal Administration on Aging in proposing and commenting upon national policy and regulations affecting older Americans.

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## **B. ORGANIZATION**

A Commissioner appointed by the Governor is the chief administrative officer and oversees all program and fiscal operations of the Bureau of Senior Services. In addition to agency staff, the Bureau has a 15 member Advisory Council on Aging. The chart (Attachment A-1) shows the organization of the Bureau.

## **C. DESIGNATED AREA AGENCIES ON AGING**

In conformance with Older Americans Act requirements and to lend direction to the state's extensive network of aging programs, the Bureau of Senior Services requires an annual plan from each of the state's four designated area agencies on aging. Each plan specifies the types and levels of service that will be provided to meet the particular needs of the elderly within each of the four planning and service areas, based on both community and area needs assessments. Area plans also emphasize coordination with other public/private resources to avert duplication or overlap in programming.

The map (Attachment A-2) depicts the designation of West Virginia's four area agencies on aging.

## **D. MISSION STATEMENT**

To be West Virginia's premier advocate for the provision of in-home and community based services for the state's seniors and others served by our programs.

To be faithful stewards of the federal and state monies entrusted to our care for the provision of services throughout West Virginia.

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## SECTION V: GOALS AND OBJECTIVES

**In order to meet the mandates of the Older Americans Act and West Virginia State law and to address the needs of older West Virginians, the Bureau of Senior Services has identified three functional areas around which the State Plan goals and objectives are based. Those areas are: Administration and Systems Development, Programs and Services, and Elder Rights and Advocacy.**

**A. ADMINISTRATION AND SYSTEMS DEVELOPMENT GOAL: The Bureau of Senior Services will continue to administer integrated statewide programs in support of a county-based service delivery system.**

1. To work with all levels of the aging network to effectively manage the programs administered by the Bureau.
  - a. Continue participating in the CORE Management process to share information and receive input from all agencies involved in the provision of services administered by the Bureau of Senior Services.
  - b. Expand both formal and informal communications with the Governor's Office and State Legislature in regard to the diversity of issues facing older West Virginians.
  
2. To increase the utilization of electronic communications between the state and provider network.
  - a. Continue the ongoing process of updates and redesigns to the Bureau of Senior Services Website to ensure that information about the Bureau's programs and other data relevant to the provision of services for the aging is accessible to all who use the Internet.
  - b. Continue support of the Bureau of Senior Services Client Tracking System and compliance with the National Aging Program Information System (NAPIS) standards, including the monitoring of proposed changes as related to the Family Caregiver Act.

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- c. Investigate alternative reporting software used in other states and the potential cost for West Virginia to move to a new platform.
  - d. Continue to provide technical assistance and support to the provider network on the purchase and upgrading of computer systems, email and electronic transfer of programmatic and financial data.
3. To administer additional state funding received for senior center construction/renovation.
    - a. Provide technical assistance to aging network providers in the planning and designing of new senior centers and renovations to the current centers.
    - b. Develop funding packages for the construction/renovation projects.
    - c. Monitor the progress of each project and provide technical assistance as needed.
4. To investigate the potential of incorporating a performance factor into the Bureau's funding formula.
    - a. Seek and obtain financial support to study the feasibility of incorporating a performance factor, determining parameters and developing an evaluation mechanism.
    - b. Coordinate these efforts with the aging network.
    - c. Re-package priority service configurations that will reduce local reporting requirements, focus resources on regional/local needs and target the most vulnerable seniors.
    - d. Create an implementation plan that will demonstrate and measure the effectiveness of a revised funding formula.

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**B. PROGRAMS AND SERVICES GOAL: The Bureau of Senior Services will maintain delivery of services to the state's targeted population groups in the most efficient and cost effective manner possible.**

1. To ensure that the design and structure of the Medicaid services programs allow for the most cost effective and highest provision of services, enabling recipients of these services to remain in their own homes and communities.
  - a. Enhance coordination between Older Americans Act providers and Medicaid programs providers who are not a part of the aging network.
  - b. Advocate for quality of services for clients of these programs.
  - c. Monitor accountability and program reporting for Homemaker and Case Management providers.
  - d. Maintain accurate and up-to-date records and generate accurate and up-to-date reports at the Bureau of Senior Services.
  - e. Provide staff with training to ensure quality service to those we serve (both clients and providers). Provide staff with mechanisms for input into the programs' smooth functioning.
  - f. Work closely with the West Virginia Bureau for Medical Services and the West Virginia Medical Institute in the administration of these Medicaid programs.
2. To administer the West Virginia legislative funded program, LIFE (Legislative Initiatives for the Elderly).
  - a. Continue to report to the Legislature the results the LIFE program has on the senior population.

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- b. Advocate to the Legislature for enhancements to LIFE, based on the needs of seniors.
  - c. Monitor the local expenditure of L.I.F.E. funds to ensure appropriate utilization.
3. To continue the administration of the Title V Program.
- a. Continue to work closely with the aging network, local community resources, and other state agencies in the operation of the Title V Program.
  - b. Partner with the Workforce Investment Act through state and local boards and one-stop centers to provide increased access to training and employment opportunities for economically disadvantaged seniors 55 and older.
  - c. Work cooperatively with the national contractors operating the Title V Program in West Virginia, as well as the aging network and Workforce Investment Boards, to complete the State Senior Employment Services Coordination Plan annually.
  - d. Work with the Bureau's Title V subsponsors to provide information and technical assistance to ensure compliance with changes in administration of the Title V Program resulting from the 2000 Older Americans Act Amendments, particularly in the area of performance standards.
4. To continue the administration of the Centers for Medicare and Medicaid Services State Health Insurance and Assistance Program Grant.
- a. Continue administration of the Senior Health Insurance Network (SHINE) program statewide in conjunction with Older Americans Act programs.
  - b. Keep state, regional, and local staff apprised of all policy updates and program changes in the Social Security and Medicare programs.

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- c. Provide annual training conferences for SHINE counseling staff statewide to allow for presentations by experts on relevant topics and the dissemination of up-to-date policy information from state and federal personnel.
  - d. Continue making the state toll-free SHINE information and referral hotline available as a valuable resource for West Virginia's seniors.
  - e. Continue publication and increase statewide distribution of the *SHINE Line*, a newsletter that shares Medicare and other health care information.
  - f. Apply for any supplemental grants that become available through the Centers for Medicare and Medicaid Services or its contractors.
5. To develop a state of the art End of Life initiative for the Bureau of Senior Services.
- a. Strengthen the existing relationship with West Virginia University: Center for Health Ethics and Law.
  - b. Identify opportunities to partner with aging advocacy groups and other interested parties to further public awareness of this important topic.
  - c. Create a speaker's bureau.
  - d. Create, in conjunction with the West Virginia Library Commission, a resource library consisting of printed, video and audio materials that can be posted on our Website.
  - e. Prepare materials that will be useful to individuals and families who are planning or facing End of Life issues.
  - f. Continue to make advance directive booklets available to the public.

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- g. Promote hospice services as a viable alternative to death in an institutional setting.
6. To continue to promote the Governor's Golden Mountaineer Discount Card Program.
- a. Continue to educate and inform seniors, merchants, pharmacies and the public about the Golden Mountaineer Discount Card Program through county senior center newsletters, health fairs, conferences, Bureau of Senior Services' Website, newspaper articles and advertisements.
  - b. Recruit more merchants to participate in the program through the use of a network of senior volunteer recruiters.
  - c. Assist the pharmacy benefit manager in encouraging greater participation and support by pharmacies.
  - d. Work with the pharmacy benefit manager to achieve greater savings for seniors through pharmaceutical manufactures' rebates.
  - e. Coordinate with pertinent state agencies to update and improve methods for compiling mailing list for cardholders.
  - f. Develop promotional materials, such as brochures and referral cards, and giveaway items for Bureau of Senior Services' informational displays, direct mail, etc. Work with West Virginia Lottery to develop television commercials.
  - g. Maintain and upgrade level of service on toll-free hotline for Golden Mountaineer Discount Card calls.
7. To organize and promote Governor's Senior Forums in various locations around the State.
- a. Work closely with area agencies on aging to select areas to be included in each forum and appropriate facilities to assure accessibility to seniors.

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- b. Coordinate efforts with the Governor's office, Area Agency on Aging Directors, senior center staff and AARP State Office staff.
  - c. Develop topics of importance and value to seniors and select speakers for each event.
  - d. Coordinate with appropriate agencies and organizations to set up displays and provide information at the forums.
8. To increase coordination with special population organizations.
- a. Continue involvement with the West Virginia Alzheimer's Association through training for the Title III-E program and coordination with the Alzheimer's Disease Demonstration Grant.
  - b. Continue providing support to the West Virginia Council for Developmental Disabilities.
  - c. Continue providing support to the West Virginia Coalition Against Domestic Violence.
  - d. Continue participation as a member of the Governor's Cabinet for Children and Families.
  - e. Continue involvement with the National Federation of the Blind of West Virginia.
9. To provide linkage and support for individuals accessing information and resources regarding West Virginia's aging population.
- a. Continue working with the State Library Commission to assure adequate aging related resources and materials are available across the State.
  - b. Further expand the availability of senior technology training and education programs at county based senior program facilities.

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- c. Continue to work on the Bureau's Website to provide appropriate population data, agency linkages and funding opportunities.
10. To continue cooperative efforts with various agencies, organizations and individuals to inform, educate and serve seniors.
    - a. Continue to explore emerging needs being created by the growing senior population and research ways to meet those needs.
    - b. Maintain an emphasis on the utilization of volunteers to maximize available program dollars.
    - c. Explore the possibility of non-Older Americans Act funding for educating seniors on the utilization of computers and the Internet.
    - d. Maintain staff support, communications and assistance to the West Virginia Attorney General's Office and AARP representatives on initiatives relating to fraud/consumer protection.
    - e. Continue support of the Bureau's consulting dietitian in efforts to encourage the state's seniors to adopt a more healthy lifestyle.
    - f. Continue involvement with TRIAD and be represented on the TRIAD steering committee to support senior citizens in their effort to combat crime.

**C. ELDER RIGHTS AND ADVOCACY GOAL: The Bureau of Senior Services will continue to advocate for all seniors and, in particular for vulnerable, frail elderly.**

1. To continue implementation of a statewide volunteer ombudsman program.

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- a. Expand the recruitment of potential volunteers to work in the ombudsman program.
  - b. Continue the ongoing partnership with AARP in targeting their members as potential volunteers in the ombudsman program.
  - c. Review methods of measuring the effectiveness of the volunteers.
  - d. Develop a volunteer recognition program for ombudsman volunteers.
2. To administer additional Medicaid matching dollars received for residents of long-term care.
    - a. Increase the presence of paid and volunteer ombudsmen in long-term care facilities.
    - b. Expand legal support for the ombudsman program.
3. To enhance coordination between the different agencies responsible for adult protective services, legal services, the ombudsman program and health facilities licensure and certification.
    - a. Update, when necessary, the memorandum of agreement between the agencies.
    - b. Continue to encourage improved communication and cooperation between various state, regional and local staff.
    - c. Schedule periodic meetings with the policy makers of the involved agencies to share information and to discuss problems and proposed initiatives.
    - d. Coordinate with our legal services provider, West Virginia Senior Legal Aid, in the delivery of legal assistance to the state's neediest seniors.

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- e. Assist West Virginia Senior Legal Aid in securing funding levels to allow for continued access by seniors to a toll-free Statewide Senior Legal Hotline, a newsletter (WV Elder Advocacy Quarterly) published jointly by West Virginia Senior Legal Aid and the West Virginia Long-Term Care Ombudsman Program, and the manual of *Legal Questions Frequently Asked by Seniors in West Virginia*.
4. To facilitate awareness of issues relating to elder abuse, neglect and exploitation.
- a. Further increase public awareness of elder abuse and promote ways that the general public can assist in helping prevent abuse.
  - b. Continue the West Virginia Governor's Summit on Aging which addresses issues on adult and elder abuse.
  - c. Develop and sponsor resident rights training that will encourage sensitivity by providers of long-term care.
5. To continue the Bureau's role as state and federal legislative advocate for senior citizens.
- a. Continue to advocate on behalf of seniors before the West Virginia Legislature and Congress.
  - b. Continue to represent senior interests on the Governor's Umbrella Health Group whose membership includes the Governor and leaders of all state agencies which deal with health care issues.
  - c. Sponsor the West Virginia Silver Haired Legislature for the purpose of educating seniors in the state legislative process.
  - d. Support the National Silver Haired Congress for the purpose of educating seniors in the federal legislative process.

## SECTION VI : FINANCIAL PLAN

### A. State Funding Formula

The West Virginia Bureau of Senior Services allocates Title III-B, C, D, E and Elder Abuse Prevention funds to the Area Agencies on Aging via a formula developed to conform to Older Americans Act requirements. This formula combines factors and weights as listed below, and was implemented in FY94.

**Chart 1**

FACTORS	WEIGHTS
Population aged 60 +	.4
Population aged 60+ Low Income	.4
Population aged 60+ Minority	.2
TOTAL	1.0

Data from the 1990 Census as listed below was used with the Bureau of Social Science Research (BSSR) formula simulation modes (1984) to arrive at the following formula for each region: (All factors for 2000 Census data are not yet available).

**Chart 2**

REGION	FORMULA
One	.257594
Two	.310189
Three	.162069
Four	.270148
TOTAL	1.000000

**Chart 3**

Region	Population 60+	60+ Below Poverty Level	Minority 60+
One	107,341	15,149	2,063
Two	112,851	17,263	4,154
Three	59,873	10,386	1,460
Four	80,454	13,608	5,603
TOTAL	360,519	56,406	13,280

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## **FORMULA DEVELOPMENT AND ASSUMPTIONS**

The three formula factors (60+, 60+ low income and 60+ minority) were selected in response to Older Americans Act directives which correlate with the need for services. There is acceptable, current, demographic data available for each factor. The weight of .4 was given to the low income factor in recognition of additional needs and requirements to serve those in poverty. The minority factor received the weight of .2 for additional targeting of funds to minority older persons, who are also more likely to have economic needs and will benefit additionally from the low income weighting. Minority persons and low income elderly are also more likely to be in greatest social need, and this was recognized in the weights assigned.

The formula, as displayed in Charts 2 & 3 on the previous page, is the sum for each region of each factor weight multiplied by one divided by total factor weights, then multiplied by the proportion that region's factor population bears to the state total factor population.

The formula is updated when current, acceptable demographics are available for each factor. This information must be available on the county level — not just on a statewide basis. (The use of 2000 Census data will become effective for FY04 funding as all factors were not available for FY03).

## **FORMULA APPLICATION**

From the Title III-B, State and Ombudsman allotment to the State, \$549,675 is currently projected to be used for the statewide ombudsman program. In addition, \$88,451 has been set aside for FY03 for a grant to provide legal services statewide. Elder Abuse Prevention funding is allocated by formula; area agencies may delegate administration to the state office for a statewide education initiative.

For state agency administration \$500,000 has been set aside, allocated from Titles III-B, III-C and III-E.

The established amount for area agency administration is currently \$183,857 each. This comes from Title III-B, Title III-C, Title III-E and State funds to assist with match. This will be reviewed annually.

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From Title III-B and State funds, \$40,000 is currently allocated to each planning and service area for each county in the region. This is also subject to review and reconsideration for each funding cycle. The funding formula is applied to the remainder. The \$40,000 county base assists rural areas, i.e., a county with a large 60+ population and one with a small 60+ population each receives the \$40,000 base funding.

Other funds authorized by the Older Americans Act that are not allocated by formula include Title V Senior Community Service Employment Program (SCSEP) and Nutrition Services Incentive Program (NSIP) cash supplement to the Title III-C meals program. Legislative Initiative for the Elderly (L.I.F.E.), Senior Centers and Programs, and Senior Centers, Maintenance and Repair (all Lottery Proceeds) are not allocated by formula.

**B. ALLOCATION OF FUNDS TO AREA AGENCIES  
AND SERVICES PROVIDERS FOR FY02**

<b>PLANNING &amp; SERVICE AREA</b>	<b>TITLE III SERVICE FUNDS (B, C, D, E AND ELDER ABUSE)</b>	<b>TITLE V FUNDS</b>	<b>NON-TITLE III FUNDS*</b>	<b>TOTAL AWARD</b>
One	2,159,079	0	691,724	2,850,803
Two	2,235,437	474,023	722,712	3,432,172
Three	1,506,206	293,761	497,283	2,297,250
Four	2,065,866	154,520	670,959	2,891,345
Other** (Unclassified)			13,900,000	13,900,000
<b>TOTAL</b>	<b>7,966,588</b>	<b>922,304</b>	<b>16,482,678</b>	<b>25,371,570</b>

\*Non-Title III Funds include State general revenue of \$2,582,678. Minimum State match for Title III services of \$434,318 plus \$227,428 contributed by the Bureau for Area Agency administration match.

\*\*Other (Unclassified) funds include USDA, Senior Center Facilities and Senior Programs (Lottery) and Non-Medicaid Personal Care.

**C. ESTIMATED STATE AGENCY BUDGET FOR FY03**

<b>PROGRAMS</b>	<b>FEDERAL TITLE III</b>	<b>STATE FUNDS</b>	<b>TITLE V</b>	<b>OTHER FEDERAL</b>	<b>TOTALS</b>
Title III State Administration	500,000				500,000
Long-Term Care Ombudsman Program					
Nursing Home Ombudsman	93,350				93,350
Other Fed. Funds					
Title V SCSEP			64,810		64,810
CMS Information Counseling & Assistance				56,437	56,437
Alzheimer's Respite Care		100,000			100,000
State		520,013			520,013
<b>TOTAL</b>	<b>593,350</b>	<b>620,013</b>	<b>64,810</b>	<b>56,437</b>	<b>1,334,610</b>

NOTE: Other than for state agency administration, Title III-B Supportive Services funds are used directly by the State only for the Long-Term Care Ombudsman Program Statewide. The Legal Services Program is on behalf of the Area Agencies, and is contracted through Region 1 (see top chart).

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**SUMMARY: SOURCES OF FUNDING (Estimated)**

Title III-B	2,780,816
Title III-C	4,633,178
Title III-D	158,393
Title III-E	967,450
Nursing Home Ombudsman	93,350
Elder Abuse Prevention	39,233
USDA Cash for III-C Meals	1,500,000
Title V SCSEP	987,114
Information, Counseling and Assistance	210,415
State General Revenue	965,338
State Lottery	13,971,250
State Lottery Medicaid Match	23,300,000
TOTAL	49,606,537

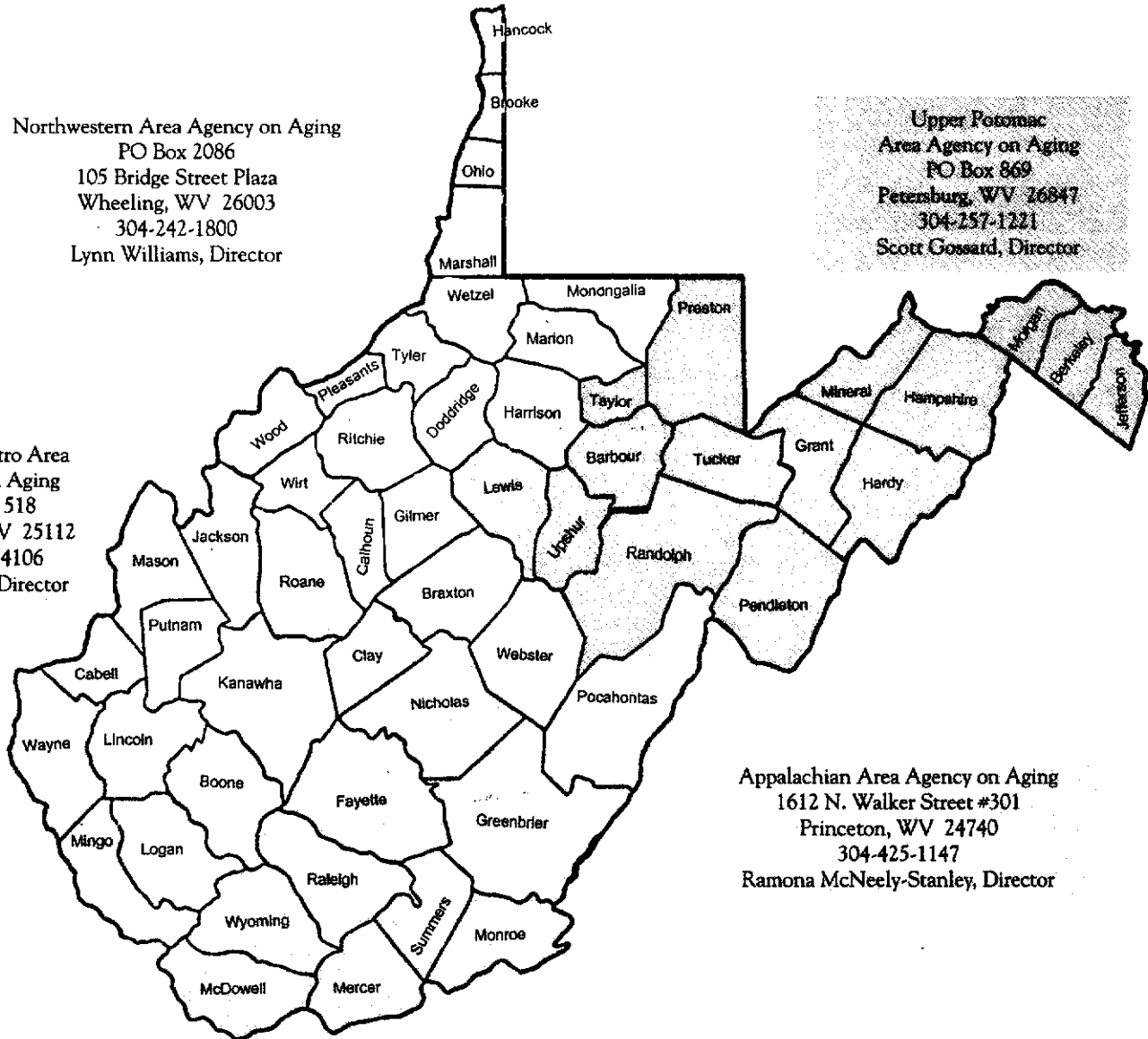
# AREA AGENCY DESIGNATION

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Lynn Williams, Director

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**WEST VIRGINIA  
BUREAU OF SENIOR SERVICES**

