



Jim Martin, Commissioner
Maria Greene, Division Director

Georgia Department of Human Resources
Division of Aging Services • Two Peachtree Street, NW • Suite 9.398 • Atlanta, Georgia 30303-3142 • (404) 657-5258

HCBS Manual Transmittal 2004-3: Chapter 106, Public Input Requirements for Area Agencies on Aging

Chapter 110, Participant Grievance Procedures

TO: Executive Directors, Regional Development Centers
Executive Director, The Legacy Link, Inc.
Executive Director, SOWEGA Council on Aging, Inc.
Directors, Area Agencies on Aging

FROM: Maria Greene, Director
Division of Aging Services

DATE: September 18, 2003

This transmits in final form the manual chapters listed above. These documents were issued as drafts for a review and comment period from August 29, 2003 through September 15, 2003. We appreciate the comments provided. A compilation of the comments and our responses are provided in an attachment to this transmittal for your convenience.

These policies and procedures are issued in compliance with several requirements of the Older Americans Act, in a form which we hope will provide ready reference to agency staff.

Please assure that staff and contractors receive these chapters promptly and enter receipt and distribution dates on the Record of Manual Transmittal log. The document is formatted to be printed or copied on hole-punched paper, on both sides of the page. We also will post the chapters to the DAS webpage in the near future.

We thank you for your ongoing support of and participation in the policy development process. If you have questions, please contact your assigned Program Manager or Beverly Littlefield at 404-657-5322 or by e-mail at brlittle@chr.state.ga.us.

C: DAS Leadership Team

Comments on Manual Chapter 106, Public Hearings, and Chapter 110, Participant Grievances

Chapter 106, Public Hearings. The Chapter heading has been reworded to read “Public Input Requirements for Area Agencies on Aging.”

Comment: To summarize a well-composed, but longer letter, we were asked to expand the scope of this chapter to allow for the use of additional formats and types of events for obtaining public input, such as small group discussions, town hall meetings, the use of Web technology, telephone and paper surveys. The correspondent noted that alternative methods of soliciting and receiving input would be useful in reaching older people with limited English proficiency, as well as people who lack transportation or other access to formal public hearings. She further notes that “many of the community’s most vulnerable and poorest older adults do not want to express their opinions in a public hearing, finding large groups intimidating and uncomfortable.” There also tends to be a bias in the traditional public hearing process toward inclusion primarily of input from current service consumers and often service providers.

DAS Response: We concur with the recommendations and offer the following amended section:

“§106.7 Additional Methods of Obtaining Public Input

- (a) In addition to meeting the minimum statutory requirements of the Older Americans Act for conducting public hearings, in order to broaden the range of public input, Area Agencies may use input obtained from consumers, potential consumers and the general public through alternative methods. Such formats and sources of input may include, but are not limited to, focus groups; small discussion groups; town hall meetings; compilations of responses to interactive websites; and telephone and paper surveys.
- (b) In areas in which there are significant numbers of older persons whose primary language is not English, in addition to providing notice of public hearings in appropriate languages, agencies will develop strategies to provide alternative methods for such persons to give input in the languages with which they are most proficient.
- (c) Agencies will develop strategies for obtaining input from consumers of such long term care services as personal care homes and nursing homes, and their families.”

Comment: “I think the use of ‘shall’ in 106.3, coordination with the DoAS Planning Calendar is too strong...since we are mandated to do all the public notices to the various groups named. We are required to coordinate our efforts with the Division, but to single out the tool is specific and controlling.”

DAS Response: We appreciate the concern and constructive feedback and have amended the section to “encourage to the extent possible” the AAAs’ efforts to coordinate with us during public hearing time frames.

Comment: “Section 106.4 – can you add the word ‘materially’ affecting service delivery so that just any little change won’t require another public hearing?”

DAS Response: This is a good observation of an unintended consequence and we have reworded this section accordingly.

Chapter 110, Participant Grievance Procedures.

Comment: “Can you specify throughout the document that the placement of a client on a HCBS waiting list is NOT considered a denial of service?”

DAS Response: The following has been added to §110.2 Applicability: “The Division does not, however, interpret the placement of applicants for service into waiting list status as a denial of service.” This is an opportunity also to remind everyone that non-Medicaid services are provided based on applicants’ categorical eligibility. This is not an entitlement program.

Comment: “Section 110.1. The reference about written communication to client[s] being in 14 point type. FYI – Many form letters are done in CHAT or ESP and neither software can do 14 point type. May want to add this feature to AIMS.”

DAS Response: We will pass this on to the DAS IT team. Thanks.

Other:

Comment: “They [the chapters] both looked fine to me. Chapter 110 is very timely because I believe we have a congregate meals participant that may possibly request a hearing due to some provider action that has taken place.”

Comment: “These look pretty clear and adequate to me.”