

**RULES
OF
TENNESSEE COMMISSION ON AGING AND DISABILITY**

CHAPTER 0030-1-7

**COST SHARING FOR SERVICES FOR THE ELDERLY PROVIDED THROUGH
TITLE III OF THE OLDER AMERICANS ACT**

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0030-1-7-.01 PURPOSE.

The purpose of this rule is to establish cost sharing requirements for services funded by the Older Americans Act as authorized by 42 U.S.C. § 3030c-2.

Authority: T.C.A. § 71-2-105 (b)(1) and 42 U.S.C.A. § 3030 c-2. *Administrative History:* Original rule filed May 24, 2005; effective August 7, 2005.

0030-1-7-.02 SERVICES EXEMPT FROM COST SHARING.

- (1) The following services are exempt from cost sharing:
 - (a) Information and referral, outreach, benefits counseling, or case management services.
 - (b) Ombudsman, elder abuse prevention, legal assistance, or other consumer protection services.
 - (c) Congregate and home delivered meals.

Authority: T.C.A. § 71-2-105 (b)(1) and 42 U.S.C.A. § 3030 c-2. *Administrative History:* Original rule filed May 24, 2005; effective August 7, 2005.

0030-1-7-.03 COST SHARING AND PARTICIPANT CONTRIBUTION REQUIREMENTS.

- (1) Each Area Agency on Aging and Disability, and each service provider involved, shall adhere to these cost sharing requirements for recipients of services funded in whole or in part through the Older Americans Act funded through the Commission on Aging and Disability who can pay all or a portion of the cost of the services rendered.
- (2) Each Area Agency on Aging and Disability shall utilize a sliding fee scale developed by the Commission to determine the amount a consumer of service will be asked to pay toward the cost of services he receives.
- (3) Except as otherwise provided, each Area Agency on Aging and Disability shall utilize the following sliding fee scale:
 - (a) Consumers with income less than 200% of the Federal Benefit Rate shall not be subject to cost sharing for services they receive.
 - (b) Consumers with income at or above 200% of the Federal Benefit Rate shall be asked to pay a percentage of the cost of the services they receive, but the cost share shall not exceed 45% of their income.

(Rule 0030-1-7-.03, continued)

- (c) Recipients with incomes greater than 600% of the Federal Benefit Rate may receive information and assistance and other services exempted from cost share listed in 0030-1-7-.02, but shall be asked to contribute 100% of the cost of any additional services they receive.
- (4) These cost sharing rules shall ensure that each Area Agency on Aging and Disability and each service provider involved will:
 - (a) Provide applicants for services with a written description of the cost sharing guidelines prior to the commencement of any services;
 - (b) Determine the cost share amount based solely on the self-declaration of income with no consideration of assets;
 - (c) Collect consumers' cost share obligations utilizing an invoice format at least quarterly;
 - (d) Issue a receipt of payment to any consumer of service making a payment pursuant to these policies;
 - (e) Safeguard all funds collected through the cost sharing process including a record of accounts receivable for each consumer;
 - (f) Use methods for receiving cost share payments and contributions that protect the privacy and confidentiality of each older individual with respect to the declaration or non-declaration of income and to any share of costs paid or unpaid by an individual;
 - (g) Make a good faith effort to collect cost sharing obligations from consumers of service where feasible and cost effective. If the Area Agency on Aging and Disability finds that collecting a given amount is not cost effective, the Area Agency may waive this amount;
 - (h) Not deny any service for which funds are received under the Act for an older individual due to income or failure to make a cost share payment;
 - (i) Ensure that consumers of services who are not subject to cost sharing be given an opportunity to make a voluntary contribution toward the cost of the service being provided.
- (5) All income collected in accordance with these rules shall be utilized by Area Agencies on Aging and Disability and each service provider involved to expand the service for which such payment was given.

Authority: T.C.A. § 71-2-105 (b)(1) and 42 U.S.C.A. § 3030 c-2. **Administrative History:** Original rule filed May 24, 2005; effective August 7, 2005.

0030-1-7-.04 WAIVER.

- (1) An Area Agency may request a waiver to the Commission's cost sharing policies, and the Commission will approve such a waiver, if the area agency can adequately demonstrate that—
 - (a) A significant proportion of persons receiving services under the Act subject to cost sharing in the planning and service area have incomes below the poverty level; or
 - (b) Cost sharing would be an unreasonable administrative or financial burden upon the Area Agency on Aging and Disability.

(Rule 0030-1-7-.04, continued)

Authority: *T.C.A. § 71-2-105 (b)(1) and 42 U.S.C.A. § 3030 c-2. Administrative History: Original rule filed May 24, 2005; effective August 7, 2005.*