

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 15—Division of Senior and Disability Services
Chapter 4—Older Americans Act

PROPOSED AMENDMENT

19 CSR 15-4.170 Area Agency on Aging Fiscal Management. The department is amending sections (1) – (18).

PURPOSE: This amendment updates legal authority and terminology, and makes grammatical changes.

PURPOSE: This rule describes the requirements that the area agency on aging shall meet in managing all funds related to programs funded in whole or in part with state or federal funds associated by the Division of [Aging]Senior and Disability Services.

(1) The area agency on aging shall establish a system to monitor financial expenditures of grants and contracts. In order to ensure adequate monitoring, at a minimum, the area agency on aging shall—

(B) Document, through assessment reports, that expenditures are made in accordance with the provisions of [part 74 of Title] 45 CFR Part 75;

(2) The area agency on aging shall submit written requests for transfers [according to the procedures established by] to the division.

(3) The area agency on aging, upon request, shall provide fiscal information to the division, from area agency on aging documentation.

(4) The area agency on aging shall provide assurances that [an adequate proportion of the] at least the minimum amount allotted for supportive services [(Part B)] (Title III B of the Older Americans Act) to the planning and service area will be expended for the delivery of each of the priority services as outlined in the Missouri State Plan on Aging 2020 – 2023, which has been incorporated by reference in this rule, as published by Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570, and available by the department at <https://health.mo.gov/seniors/state-plan-aging.php>. This rule does not incorporate any subsequent amendments or additions.[Adequate proportion shall be determined by considering the area agency budget and history for each service and current needs assessment data related to each service.]

(5) The area agency on aging annually shall specify in the area plan, as submitted or as amended, in detail, the amount of funds expended for each category of services during the fiscal year most recently concluded.

(6) Nonfederal matching requirements shall be met by the area agency on aging on the aggregate net cost of [social]supportive and nutrition services and administration under Title III of the Older Americans Act. Further requirements are as follows:

(C) The nonfederal match for [social]supportive and nutrition services' net costs shall be no less than fifteen percent (15%) of the net cost;

(7) The area agency **on aging** shall have an organization-wide audit completed by an independent certified public accountant [*at least every two (2) years (covering the previous two (2)-year period); however,*] yearly [*audits are recommended*]. Further requirements are as follows:

(A) Audits shall be completed and submitted to the division no later than [*one hundred twenty (120)*]**one hundred eighty (180)** calendar days after the close of the agency's fiscal year;

(B) The area agency **on aging** may request, in writing, a one (1)-month extension from the division. The request shall include the reason(s) for the extension and shall be received by the division [*'s auditor*] no later than ten (10) working days before the audit due date. The division shall approve or reject a request for extension no more than five (5) working days after receipt of the written request;

(C) The criteria to be followed in auditing an area agency **on aging** shall be for—

1. Governmental agencies, [*Office of Management and Budget (OMB) Circular A-133*]**the audit provisions in 2 CFR, Part 200** shall apply for fiscal years beginning after December 31, 1984; and

2. All other agencies, the audit provisions in [*OMB Circular A-110, Attachment F*]**2 CFR, Part 200** shall apply; and

(8) The area agency **on aging** shall not delegate authority to award or administer funds under Title III **of the Older Americans Act** to other agencies. The exception may be for transportation agreements with agencies which administer programs under the Rehabilitation Act of 1973 and Titles XIX and XX of the Social Security Act to meet the common need for transportation of service recipients under the separate programs.

(9) Unexpended **funds and administrative allotments from** Title III B, III C-1, III C-2 [*funds and administrative allotments*] **awarded under the Older Americans Act** for which there are no legal obligations shall not exceed fifteen percent (15%) of each subpart's total allotment at the end of each fiscal year.

(10) Program income shall be—

(A) Earned gross income by an area agency **on aging** from activities, part or all of the cost of which is either borne as a direct cost by a grant or counted as a direct cost toward meeting a cost-sharing or matching requirement of a grant. It includes, but is not limited to, income in the form of fees for services performed during the grant or subgrant period, proceeds from sale of tangible personal or real property, usage or rental fees and patent or copyright royalties. If income meets this definition, it shall be considered program income regardless of the method used to calculate the amount paid to the area agency **on aging**;

(B) Used to expand services for [*the elderly*] **older adults** in the program from which it was earned;

(11) The area agency **on aging** shall submit fiscal reports to the division on an accrual accounting basis. If the area agency [*'s*] **on aging's** fiscal records show effective control and accountability, the agency may develop the reports through available documentation. The area agency **on aging** may estimate outlays in instances where—

(B) The area agency **on aging** is unable to obtain actual data in time to meet reporting deadlines.

(12) The area agency **on aging** shall follow [*Title 45 CFR part 74*]**45 CFR Part 75** Administration of Grants except where inconsistent with federal statutes, regulations or other terms of a grant or when either the language of the provision itself or other text in the same subpart indicates the provision affects service provider agencies (subgrantees) and use of the term—

(A) Recipient shall be taken as referring to area agencies **on aging** (subgrantees); and

(13) The area agency **on aging** shall meet requirements concerning advancements, reimbursements or interest earned on federal funds as follows:

(14) The area agency **on aging** shall submit monthly invoices for reimbursement of expenditures to the division within *[fifteen (15)]* **twenty-one (21)** days after the close of each fiscal month on forms prescribed by the division.

(15) The area agency **on aging** shall meet the division's reporting requirements for quarterly and final financial reports as follows:

(16) Any cost allocation plans and indirect costs rates shall be determined in accordance with the following guidelines:

(A) For governments, *[OMB Circular A-87]***2 CFR Part 255**, including any amendments *[to the circular]* published by the United States OMB;

(B) For institutions of higher education, *[OMB Circular A-21]***2 CFR Part 220** and as published in the *Federal Register* by OMB; and

(C) For other nonprofit organizations, *[OMB Circular A-122]***2 CFR Part 230**.

(17) In order to minimize a loss of funds in the event of bank insolvency, the area agency **on aging** shall not deposit contributions and federal grant funds in any one (1) bank in an amount that exceeds that bank's maximum insured amount by the Federal Deposit Insurance Corporation (FDIC). The total deposits in one (1) bank, regardless of the number of separate accounts, shall not exceed the maximum amount insured by the FDIC. An acceptable alternative is to request the bank to pledge securities to the area agency **on aging**. These securities shall act as insurance for excessive cash balances. Documentation of compliance shall be maintained by the area agency **on aging**.

(18) Contributions shall be handled according to procedures as required for service providers in *[13 CSR 19-7.010(13)]***19 CSR 15-7.010**.

*AUTHORITY: section [660.050]**192.2000**, RSMo [Supp.1999]**2016**. * This rule was previously filed as 13 CSR 15-6.200 and 13 CSR 15-4.170. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.170, effective Aug. 28, 2001.*

**Original authority: 660.050, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Health and Senior Services, Division of Senior and Disability Services, Melanie Highland, Division Director, PO Box 570, Jefferson City, MO 65102-0570. Telephone: (573) 526-3626. Email: DSDSDirectorsOffice@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*