

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 15—Division of Senior and Disability Services
Chapter 7—Service Standards

19 CSR 15-7.010 General Requirements for All Service Providers. The department is amending the purpose statement and sections (4) – (9), and (11) – (18).

PURPOSE: This amendment amends the purpose statement, updates terms, statutory and regulatory references throughout the rule, and updates requirements of service providers.

*PURPOSE: This rule describes the general requirements that all service providers shall meet to receive grants or subgrants to provide services for older [persons]**adults** or low income [handicapped] **adults with disabilities** funded by the division or area agencies **on aging**.*

(4) Service providers shall have an adequate number of staff (paid or volunteer) who are qualified to perform assigned functions in order to implement the activities and services.

(A) Multilingual staff shall be available when there are substantial numbers of non-English speaking [service recipients]**participants**.

(5) Centers shall be in compliance with all applicable state and local fire and safety laws, as well as the following requirements:

(C) Centers shall develop a written safety and evacuation plan for assuring the safety of [service recipients]**participants**, staff, and volunteers in case of fire or other hazardous situations and evacuation drills shall be conducted [periodically]**annually**. Copies of the plan shall be on file at the center and at the area agency[’s] **on aging’s** office and a charted plan shall be posted conspicuously in the center. The plan and procedures shall include, but need not necessarily be limited to:

1. A written assessment of potential fire or safety hazards present on the premises and actions and procedures that are to be followed to minimize danger;

2. A written schedule for [periodic]**annual** check of smoke detectors and fire extinguishers to assure that adequate pressure or battery strength is maintained for efficient operation when needed; and

3. A written training plan including frequency of comprehensive and refresher training for staff and volunteers on safety responsibilities and actions to be taken if an emergency situation occurs with documentation of training sessions provided; and

(D) Fire inspections shall be conducted annually at all centers **by state or local fire authorities**. [At least every two (2) years the inspection shall be conducted by state or local fire authorities; on alternate years the area agency may conduct the inspection provided appropriate training has been received and the form required by the division is used.] Documentation of the inspector’s report, recommendations and corrections of any deficiencies shall be maintained at the area agency **on aging** and center offices.

(6) Service providers whose staff have direct physical contact with [service recipients]**participants** shall make emergency arrangements in consultation with relevant agencies, for dealing with [service recipient]**participant** personal emergencies, that include:

(C) Written instructions posted conspicuously *[by each telephone]* which includes the 911 emergency telephone number, if available; or other local emergency telephone numbers, such as those of physicians, ambulances, hospital emergency rooms, and local civil defense or disaster offices if the 911 number is not available in the community.

(7) Caterers and centers in which food is prepared, served, or both, shall be maintained in a safe and sanitary manner and shall be in compliance with all applicable state, county or city health codes. Each location at which food is prepared shall be inspected annually by state or local health authorities. Each location at which prepared food is received from another source shall be inspected annually **by state or local health authorities**. *[The inspection shall be conducted by state or local health authorities at least every two (2) years; on alternate years the area agency may conduct the inspection provided appropriate training has been received and the form required by the division is used.]* Documentation of the inspector's report, recommendations, and corrections of any deficiencies shall be kept at both the area agency **on aging** and center offices.

(8) Service provider staff and volunteers shall be familiar with and shall be able to recognize situations of possible abuse, neglect, exploitation, or likelihood of serious physical harm involving older *[persons]***adults**. *[Conditions or circumstances which place the older person or the household in likelihood of serious physical harm]* **Instances of potential abuse, neglect, exploitation, or likelihood of serious physical harm** shall be immediately reported to the division's *[elderly]***Adult [a]Abuse and Neglect [h]Hotline** (1-800-392-0210) or **Missouri Adult Abuse and Neglect Online Reporting System** (<https://health.mo.gov/safety/abuse/>). *[Likelihood of serious physical harm means one (1) or more of the following:*

(A) A substantial risk that physical harm to an adult will occur because of failure or inability to provide for essential human needs as evidenced by acts or behavior which have caused harm or which give another person probable cause to believe that the adult will sustain harm;

(B) A substantial risk that physical harm will be inflicted by an eligible adult upon him/herself, as evidenced by recent credible threats, acts or behavior which have caused harm or which places another person in reasonable fear that the eligible adult will sustain harm;

(C) A substantial risk that physical harm will be inflicted by an eligible adult upon another as evidenced by recent acts or behavior which has caused harm or which gives another person probable cause to believe the eligible adult will sustain harm; or

(D) A substantial risk that further physical harm will occur to an eligible adult who has suffered physical injury, neglect, sexual or emotional abuse or other maltreatment or wasting of his/her financial resources by another person.]

(9) Service providers shall provide the following:

(A) Public information and education activities to ensure that older *[persons]***adults** are informed of the services available and have maximum opportunity for participation;

(C) A written complaint procedure through which the *[service recipient]***participant** can communicate to the service provider aspects of the service which impact negatively upon them.

(11) Service providers shall serve older *[persons]***adults** with the greatest economic or social need, especially low-income minority persons, **older adults residing in rural areas, and frail individuals**. Service providers may use methods such as location of services and specialization in the types of services most needed by these groups to meet this requirement. Service providers shall not use a means test to deny individuals services within the target population.

(12) Service providers shall obtain the views of *[service recipients]***participants** about the services they receive.

(13) Service providers shall assure that federal funds shall *[not be used to replace funds from nonfederal sources and that the service provider shall continue or initiate efforts to obtain support from private sources or other public organizations]***be used as the payer of last resort.**

(14) Service providers shall implement the provisions of the Americans with Disabilities Act (ADA) of 1990 (PL 101-336) which prohibits discrimination against people with disabilities, to include:

(B) Senior centers are considered places of public accommodation and must therefore comply with the ADA. The responsibility to remove barriers in existing buildings is an ongoing process and area agencies **on aging** should use the following priorities as a guide to increase accessibility: 1) access to the facility; 2) access to the area in which goods and services are available; 3) access to restroom facilities; and 4) removing any remaining barriers. Area agencies **on aging** offering services in buildings where barrier removal is not readily achievable must develop a written implementation plan designed to achieve compliance, as well as a written policy outlining alternative methods to provide services during the interim. All renovations, alterations or new construction must ensure compliance with ADA requirements by using the ADA Standards for Accessible Design published in Appendix A to the Department of Justice Title III regulations, 28 CFR part 36, **which has been incorporated by reference in this rule, as published on July 1, 2021, by the Office of the Federal Register, National Archives and Record Administration, Washington, DC 20408 and available at <https://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions;** and

(15) Procedures for handling contributions shall be developed and implemented that include the following:

(A) Each *[recipient]***participant** shall be provided with an opportunity to voluntarily contribute to the cost of the service;

(B) The privacy of each *[recipient]***participant** with respect to his/her contribution shall be protected;

(C) Establish and implement a system of internal control that ensures all contributions received are fully and accurately recorded, deposited, accounted for, and reported to the area agency **on aging**.

1. Collecting contributions in a locked box at senior centers;
2. Using two (2) persons when accessing contributions or to count receipts;
3. Keeping receipts in a secure area or locked box until deposited;
4. Recording all contributions on the date of receipt;
5. Taking precautions to prevent theft of cash receipts;
6. Reporting contribution receipts to the area agency **on aging** at least monthly; and
7. Avoiding an accumulation of a large balance of income on hand;

(F) A provider shall not deny any elderly person a service because the elderly person will not or cannot contribute to the cost of the service. An eligible *[service recipient]***participant** shall not be charged for participating in any service or activity.

(16) Administrative policies and procedures shall be followed which include:

(A) A current Affirmative Action/Equal Employment Opportunity Plan and Program as required by the Civil Rights Act of 1964 and the *[Federal]* Equal **Employment** Opportunity Act of 1972;

(B) Record keeping and confidentiality as cited in [13]19 CSR 15-4.300;

(C) Reporting systems to document and report all required program, fiscal, and administrative information needed; *[by the area agency. The system shall include format and timelines for submission and the following records:*

1. *Documentation of the total unduplicated low-income minority persons receiving services;*
2. *Records of paid staff time and volunteer time; and*
3. *Documentation of service recipient eligibility;]*

(E) Insurance coverage which includes:

1. Workers' Compensation—statutory amount as prescribed by the laws of Missouri;
2. Comprehensive general liability covering employees, volunteers and *[service recipients]***participants**;
3. Product liability as applicable to the service provided; and
4. Automobile liability for service provider vehicles and, for volunteers using their own vehicles, at least a procedure for verifying that the volunteer maintains adequate insurance and understands his/her liability;

(F) Written policies that specify which holidays and special event days may be observed by curtailing delivery of services and procedures for publicizing these dates and assuring that *[service recipients]***participants** are informed;

(G) Written policies and procedures to be followed when service delivery must be interrupted due to emergency situations including:

1. Definition of types of emergencies (weather, natural disaster, health, **pandemic**, and the like);
2. Specifications of the person/position responsible for making the decision to interrupt scheduled service delivery; and
3. Identification of procedures to be followed for notifying *[service recipients]***participants**; and

(H) Written policies and procedures to be followed when it is necessary to terminate or deny services to an individual *[service recipient]***participant** that include:

1. Justification for termination or denial;
2. Referral to other needed services; and
3. Follow-up for return to service, when appropriate.

(17) Any facility altered, renovated, acquired by purchase or lease or constructed using federal or state funds may not be used for religious instruction or as a place of worship, as follows:

(B) Service providers shall have a written agreement with sectarian organizations housing alternative services programs which includes the provision that all equipment purchased with federal funds remain the property of the area agency **on aging**, as per 45 CFR part [74]75, **which has been incorporated by reference in this rule, as published on October 1, 2021, by the Office of the Federal Register, National Archives and Record Administration, Washington, DC 20408 and available at <https://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions;**

(18) Any facility altered, renovated, acquired by purchase or lease or constructed using federal or state funds may not be used for political campaigning on behalf of any candidate for local, state, or national office unless—

AUTHORITY: section [660.050, RSMo Supp 1999]192.2000, RSMo 2016. This rule was previously filed as 13 CSR 15-6.135. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed June 3, 1991, effective Oct. 31, 1991. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-7.010, 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 the Missouri Department of Health and Senior Services, Division of Disability and Senior Services, Melanie Highland, Division Director, PO Box 570, Jefferson City, MO 65102-0570. Telephone: (573) 526-3626. E-mail: LTSS@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.*