



## Older Americans Act (OAA) Regulations 1988 to 2024 Comparison Chart (Version 5.0 5/16/24) – Clickable Table of Contents

*This chart is intended for informational and summary purposes only. The final rule, published in the [Federal Register](#) and codified in the [Electronic Code of Federal Regulations](#), is the official document that should be referenced regarding requirements for OAA programs, until the Code of Federal Regulations is updated after October 1, 2024.*

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**COLUMN DESCRIPTIONS**

- *Column One “2024 Final Rule Provision”* – Provides the updated title and section number of each provision (if applicable) in the 2024 final rule. Not applicable (N/A) here indicates the 1988 provision was deleted.

- *Column Two “1988 Regulatory Provision”* – Provides the title and section number of each provision in the 1988 regulations. Note that for subpart A of part 1324, the regulations date from 2015. N/A here indicates the provision was newly added to the 2024 rule.

- *Column Three “Summary of Provisions and Revisions”* – Provides a summary of the purpose of the provision and highlights key revisions to the 1988 regulatory provision as they are reflected in the 2024 final rule provision. \*Denotes a significant change from the Notice of Proposed Rule Making (NPRM) to the final rule.

- *Column Four “2020 OAA Sections”* – Provides OAA section references located within the preamble and regulatory text of the final rule.

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<b>Part 1321</b>			<b>Title III</b>
<b>Subpart A - Introduction</b>			
General	N/A		<ul style="list-style-type: none"> <li>• Preamble reference: OAA 305</li> </ul>
<u>§ 1321.1 Basis and purpose of this part.</u>	§ 1321.1 Basis and purpose of this part.	<ul style="list-style-type: none"> <li>• Purpose of the part is to implement Title III of the Older Americans Act (OAA; the Act), as amended, which provides grants to state and community programs on aging.</li> <li>• Minor revisions to align with updates to statutory terminology and requirements resulting from reauthorizations (e.g., adding family caregivers as a service population per the 2000 reauthorization).</li> </ul>	
<u>§ 1321.3 Definitions.</u>	§ 1321.3 Definitions.	<ul style="list-style-type: none"> <li>• Purpose of this part is to provide definitions.</li> <li>• Updated to add several definitions, revise several existing definitions, and delete definitions of terminology that is obsolete or no longer necessary. Additions, revisions, and deletions reflect recent changes to the statute, important practices in the administration of programs under the Act, and feedback received from a range of stakeholders.</li> <li>• Added definitions of the following terms: “Access to services,” “Acquiring,” “Area agency on aging,” “Area plan administration,” “Best available data,” “Conflicts of interest,” “Cost sharing,” “Domestically produced foods,” “Family caregiver,” “Governor,” “Greatest economic need,” “Greatest social need,” “Immediate family,” “Local sources,” “Major disaster declaration,” “Multipurpose senior center,” “Native American,” “Nutrition Services Incentive Program,” “Older relative caregiver,” “Planning and service area,” “Program development and coordination activities,” “Program income,” “Private pay programs,” “Single planning and service area State,” “State,” “State agency,” “State plan administration,” “Supplemental foods,” and “Voluntary contributions.”</li> <li>• *Revised the definition of “Greatest social need”</li> <li>• *Added the definition for “severe disability,” as included in the Act</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 307(a)(7), 315, 315(a)(2), 305(a)(1), 306(a)(4)(A)(i)(I)(aa), 102(24), 315(b)(3)</li> <li>• Reg text references: OAA 306, 307, 305(a)(2)(C), 315(a), 309(b)(1), 310, 712, 372(a)(4), 307(a)(4), 305, 305(a)(1)(E), 306(g), 305(b)(2), 315(b)</li> </ul>
N/A	§ 1321.5 Applicability of other regulations.	<ul style="list-style-type: none"> <li>• Listed other applicable regulations.</li> <li>• Deleted.</li> </ul>	
<b>Subpart B – State Agency Responsibilities</b>			

Older Americans Act Regulations 1988 to 2024 Comparison Chart

2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<u>§ 1321.5 Mission of the State agency.</u>	§ 1321.7 Mission of the State agency.	<ul style="list-style-type: none"> <li>• Outlines the State Unit on Aging’s (SUA) mission, role, and functions as a leader on all aging issues in the state under the Act, and it specifies that the SUA will designate area agencies on aging (AAAs) to assist in carrying out the mission.</li> <li>• Minor revisions to align with updates to statutory terminology and requirements resulting from reauthorizations (e.g., adding family caregivers as a service population per the 2000 amendments).</li> </ul>	
<u>§ 1321.7 Organization and staffing of the State agency.</u>	§ 1321.9 Organization and staffing of the State agency.	<ul style="list-style-type: none"> <li>• Outlines the organization and staffing of the sole organization designated as the SUA.</li> <li>• Minor revisions to update statutory and regulatory references, such as reference to the state Long-Term Care Ombudsman Program (LTCOP) regulation (1324 Subpart A), which did not exist when the 1988 Title III regulation was promulgated.</li> <li>• Adds the requirement that the SUA shall ensure there is a Legal Assistance Developer (LAD) and other personnel necessary to provide leadership in developing legal assistance programs for older adults, per section 307(a)(13) of the Act (as outlined in the new 1324 subpart C Legal Assistance Development provision).</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 307(a)(13), 731</li> <li>• Reg text references: OAA 307(a)(9)(A), 307(a)(13), 731</li> </ul>
<u>§ 1321.9 State agency policies and procedures.</u>	§ 1321.11 State agency policies.	<ul style="list-style-type: none"> <li>• Outlines requirement for SUAs to develop policies and procedures governing all aspects of programs operated under the Act.</li> <li>• Revised to provide detailed guidance on the significant programmatic and fiscal requirements for which SUAs should have policies and procedures, including: sub-awardee monitoring; data collection and reporting; direct service provision; distribution of Title III and Nutrition Services Incentive Program (NSIP) funds; match requirements; permitted transfers of service allotments; maximum allocation amounts for administration; minimum funding expenditures for certain services; maintenance of effort obligations; requirements related to Ombudsman program expenditures and fiscal management; reallocation of funds; voluntary contributions; cost-sharing; use of program income; private pay programs; commercial relationships; buildings, alterations or renovations, maintenance, and equipment; prohibition against supplantation; monitoring of state plan assurances; advance funding; and fixed amount subawards.</li> <li>• Confirms that SUA policies may allow for procedures to implement specific policies to be developed at the AAA level.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references (re: § 1321.9(a), (b), (c), (c)(1), (c)(3)-(4)): OAA 305, 305(a), 307, 305(a)(2), 202(a)(9), 306(a)(4)(A)(i)(I)(aa), 307(a)(8)(A), 307(a)(5)(B), 307(a)(4), 305(a)(1)(C), 305(a)(1)</li> <li>• Reg text references (re: § 1321.9(a), (b), (c), (c)(1), (c)(3)-(4)): OAA 305(a)(2)(A), 306(a), 305(a)(1)(C)</li> </ul>
<u>§ 1321.9(c)(2)(i) Intrastate funding formula (IFF).</u>	N/A	<ul style="list-style-type: none"> <li>• The Act sets forth requirements for distribution of Title III funds within the state and requires distribution to occur via an intrastate funding formula</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 305(a)(2)(C)-(D), 311(d)(4)</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
		<p>(IFF) (further defined in § 1321.49) or funds distribution plan (further defined in § 1321.51). The IFF is required for states with multiple planning and service areas (PSAs), and a funds distribution plan is required for single PSA states.</p> <ul style="list-style-type: none"> <li>• Requires that funds be promptly disbursed using the IFF or funds distribution plan.</li> </ul>	
<p><u>§ 1321.9(c)(2)(ii) Non-Federal share (match).</u></p>	<p>§ 1321.47 Statewide non-Federal share requirements.</p>	<ul style="list-style-type: none"> <li>• The provision contained in § 1321.47 (Statewide non-federal share requirements) of the 1988 regulation is redesignated as § 1321.9(c)(2)(ii) and revised.</li> <li>• The Act includes requirements for non-federal share (match) funds from state or local sources. The requirements are consolidated and streamlined here by listing the requirements and considerations that apply to such funds.</li> <li>• Clarifies that state or local public resources used to fund a program which uses a means test shall not be used to meet match requirements.</li> <li>• Clarifies that a SUA or AAA may determine match in excess of required amounts, and clarifies match requirements that apply to service and administration costs for each type of grant award under Title III of the Act.</li> <li>• The Administration for Community Living (ACL) provides prior written approval for unrecovered indirect costs to be used as match.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 301(d)(1), 304(c), 304(d)(1)(A), 304(d)(1)(D), 304(d)(2), 309(b), 316(b)(5), 373(h)(2), 315(b)(3)</li> <li>• Reg text references: OAA 301(d)(1), 304(c), 304(d)(1)(A), 304(d)(1)(D), 304(d)(2), 309(b), 316(b)(5), 373(h)(2)</li> </ul>
<p><u>§ 1321.9(c)(2)(iii) Transfers.</u></p>	<p>§ 1321.45 Transfer between congregate and home-delivered nutrition service allotments.</p>	<ul style="list-style-type: none"> <li>• The provision contained in § 1321.45 of the existing regulation (Transfer between congregate and home-delivered nutrition service allotments) is redesignated here as § 1321.9(c)(2)(iii) and revised.</li> <li>• The Act allows for transfer of service allotments to provide some flexibility to meet state and local needs. ACL allocates Title III funding to SUAs by parts of the Act (for example, the supportive services allocation is designated as part B and the nutrition services allocation is designated as part C, and further by subpart (part C-1 funding is for congregate meals and part C-2 funding is for home-delivered meals)).</li> <li>• Lists the requirements and considerations that apply if a SUA elects to make transfers between allotments, including the parts and subparts of Title III which are subject to transfer of allocations, the maximum percentage of an allocation which may be transferred between parts and subparts, and a confirmation that such limitations apply in aggregate to the SUA.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 308, 308(b)</li> <li>• Reg text references: OAA 308(b)(4)(A), 308(b)(4)(B), 308(b)(5)(A), 316(b)(4)</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<p><u>§ 1321.9(c)(2)(iv) State, Territory, and area plan administration.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>Section 308 of the Act sets limits on the amount of Title III funds which may be used for state, territory, and area plan administration.</li> <li>Sub-section 1321.9(c)(2)(iv) specifies the requirements and considerations that apply, including flexibilities that some SUAs of single planning and service states may exercise and how the SUA may calculate the maximum amounts available for AAAs to use.</li> <li>SUAs may either receive five percent of their funding allocation or \$750,000 (\$100,000 for certain Territories) of their total Title III allocation as set forth in the Act to complete the state plan administration activities required by the Act.</li> <li>Specifies that the maximum amount the SUA may make available for area plan administration is ten percent of the total amount of funding allocated to AAAs.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 308, 304(d)(1)(A)</li> <li>Reg text references: OAA 308(b)(2)(A), 308(a)(3), 308(b)(2)(B), 304(d)(1)(A), 308, 308(a)(2)</li> </ul>
<p><u>§ 1321.9(c)(2)(v) Minimum adequate proportion.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>The Act sets forth requirements that the state plan must identify a minimum proportion of funds that will be spent on access services, in-home supportive services, and legal assistance. The final rule requires the SUA to have policies and procedures to implement these requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble reference: OAA 307(a)(2)(C)</li> </ul>
<p><u>§ 1321.9(c)(2)(vi) Maintenance of effort.</u></p>	<p>§ 1321.49 State agency maintenance of effort.</p>	<ul style="list-style-type: none"> <li>The provision contained in § 1321.49 (State agency maintenance of effort) of the existing regulation is redesignated here as § 1321.9(c)(2)(vi) and revised.</li> <li>The final rule requires SUAs to develop fiscal policies and procedures related to requirements under the Act, which include expending specific minimum maintenance of effort (MOE) amounts (calculated as required by the Act).</li> <li>Clarifies that excess amounts reported in other reports, such as the federal financial report (SF- 425), do not become part of the amounts used in calculating the minimum required MOE expenditures, unless the SUA specifically certifies the excess amounts for such purpose.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 309(c), 374</li> </ul>
<p><u>§ 1321.9(c)(2)(vii) State Long-Term Care Ombudsman Program.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>This final rule requires SUAs to develop fiscal policies and procedures related to requirements under the Act, which include that the SUA will expend no less than the minimum amounts that are required to be expended by section 307(a)(9) of the Act.</li> <li>Clarifies that the SUA must provide the Ombudsman with information to complete Ombudsman program requirements and that the fiscal activities relating to the operation of the Office comply with the requirements set forth in § 1324.13(f).</li> </ul>	<ul style="list-style-type: none"> <li>Preamble &amp; reg text reference: OAA 307(a)(9)</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<u>§ 1321.9(c)(2)(viii) Rural minimum expenditures.</u>	N/A	<ul style="list-style-type: none"> <li>The final rule requires SUAs to develop fiscal policies and procedures related to requirements under the Act, which include that the SUA must: expend not less than the amount expended in accordance with the level set in the Act for services for older individuals residing in rural areas, project the cost of providing such services, and specify a plan for meeting the needs for such services. To implement these requirements, § 1321.9(c)(2)(viii) sets forth that the SUA establish a process and control for determining how rural areas within the state shall be defined.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 307(a)(3)(B), 307(a)(3), 305(a)(2)(C)-(D)</li> </ul>
<u>§ 1321.9(c)(2)(ix) Reallotment.</u>	N/A	<ul style="list-style-type: none"> <li>The final rule requires SUAs to develop fiscal policies and procedures related to a SUA's voluntary release of funds (reallotment), corresponding with the Act. These policies and procedures include that the SUA must communicate annually to ACL if the SUA has funding that will not be expended in the grant period to be voluntarily reallotted to the Assistant Secretary for Aging (ASA) and that the SUA should communicate annually to ACL whether they are able to receive and expend within the grant period any reallotted funds that may become available from the ASA.</li> <li>Clarifies that the SUA must distribute any such reallotted funds it receives in accordance with the IFF or funds distribution plan, as set forth in §§ 1321.49 or 1321.51.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 304(b), 703(b)</li> </ul>
<u>§ 1321.9(c)(2)(x) Voluntary contributions.</u>	§ 1321.67 Service contributions.	<ul style="list-style-type: none"> <li>Section 315 of the Act allows for consumer contributions which may take the form of (1) an individual voluntarily contributing toward the cost of a service (a voluntary contribution). Section 1321.9(c)(2)(x) specifies that voluntary contributions are allowed and may be solicited for all services, as long as the method of solicitation is non-coercive.</li> <li>Specifies that voluntary contributions are encouraged for individuals whose self-declared income is at or above 185% of the federal poverty level (FPL).</li> <li>Incorporated &amp; redesignated (from 1321.67 to 1321.9(c)(2)(x)).</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 315, 315(b), 315(b)(3)</li> <li>Reg text reference: OAA 315(b)</li> </ul>
<u>§ 1321.9(c)(2)(xi) Cost sharing.</u>	N/A	<ul style="list-style-type: none"> <li>Section 315 of the Act allows for consumer contributions which may take the form of (2) the SUA establishing a cost sharing policy, creating a structured system for collecting sliding scale payments from some service participants for some services (cost sharing).</li> <li>Added to delineate between the two types of consumer contributions allowed by the Act and to align with cost sharing provisions added in the 2000 amendments to the OAA.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 315, 315(a), 315(a)(2), 315(a)(5)(E), 315(a)(6)</li> <li>Reg text reference: OAA 315(a)</li> </ul>



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		<ul style="list-style-type: none"> <li>• Lists applicable requirements to include how suggested contribution levels for cost sharing are established, which individuals are encouraged to contribute, the manner of solicitation of contributions, prohibitions on means testing and denial of services, provisions that apply to all service recipients, procedures that are to be established, that amounts collected are considered to be program income, and further provisions that apply to cost sharing.</li> </ul>	
<p><u>§ 1321.9(c)(2)(xii) Use of program income.</u></p>	<p>§ 1321.73 Grant related income under Title III-C.</p>	<ul style="list-style-type: none"> <li>• Clarifies the fiscal requirements that apply to program income, which include voluntary contributions and cost sharing payments (e.g., SUAs are required to report contributions as program income and set forth restrictions on the use of program income).</li> <li>• Incorporated and redesignated (from 1321.73 to 1321.9(c)(2)(xii)) and revised.</li> <li>• *Revised text to specify that program income must be used to expand a service funded under the Title III grant award pursuant to which the income originally was collected (the NPRM stated program income must be used to expand a service category)</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble reference: OAA 315</li> </ul>
<p><u>§ 1321.9(c)(2)(xiii) Private pay programs.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Added (c)(2)(xiii) to this provision to provide guidance as to policies and procedures that should be in place to ensure that private pay programs offered by AAAs and service providers do not compromise core responsibilities under the Act.</li> </ul>	
<p><u>§ 1321.9(c)(2)(xiv) Contracts and commercial relationships.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Clarifies the policies and procedures that SUAs must establish related to all contracts and commercial relationships.</li> <li>• Responds to numerous concerns from AAAs regarding inconsistent SUA approaches to contracts and commercial relationships, as well as concerns from SUAs about the level of risk and associated oversight required.</li> <li>• Encourages a review and approval process that complies with the statutory requirements found in section 212 and throughout Title III but is not onerous, can be implemented easily, and does not cause undue delay.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 212, 306(a)(13)-(14), 307(a)(26), 305(a)(1)(C), 306(a), 306(a)(4)(A)(i), 306(b), 306, 307, 202, 306(g), 212(a), 212(a)(1)-(3), 212(b), 212(b)(1)-(4), 212(c), 212(d), 212(e)</li> <li>• Reg text reference: OAA 212</li> </ul>
<p><u>§ 1321.9(c)(2)(xv) Buildings, alterations or renovations, maintenance, and equipment.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Added paragraph § 1321.9(c)(2)(xv) to provide clarification to ensure that funding will be used for costs that support allowable activities (related to buildings and equipment, such as maintenance and repair).</li> <li>• Includes a requirement that a Notice of Federal Interest be filed at the time of acquisition of a property or prior to construction, as applicable (to</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 312, 321</li> <li>• Reg text reference: OAA 312</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
		protect the interest of the federal government in the property, which is described in section 312).	
§ 1321.9(c)(2)(xvi) <u>Supplement, not supplant.</u>	N/A	<ul style="list-style-type: none"> <li>• The Act sets forth requirements that OAA funds must supplement, not supplant existing funds.</li> <li>• Requires a SUA policy and procedure on supplementing, not supplanting existing funds for the programs where specified in the Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble &amp; reg text references: OAA 306(a)(9)(B), 374, 315(b)(4)(E), 321(d), 705(a)(4)</li> </ul>
§ 1321.9(c)(2)(xvii) <u>Monitoring of State plan assurances.</u>	N/A	<ul style="list-style-type: none"> <li>• Specifies that the SUA must have policies and procedures to monitor compliance with assurances set forth by the Act to which SUAs must attest as part of their state plans.</li> </ul>	
§ 1321.9(c)(2)(xviii) <u>Advance funding.</u>	N/A	<ul style="list-style-type: none"> <li>• Specifies that SUAs may advance funding to meet immediate cash needs of AAAs and service providers, and if a SUA chooses to do so, the SUA must have policies and procedures that comply with all applicable federal requirements.</li> </ul>	
§ 1321.9(c)(2)(xix) <u>Fixed amount subawards.</u>	N/A	<ul style="list-style-type: none"> <li>• Allows fixed amount subawards up to the simplified acquisition threshold, as set forth in 2 CFR 200.333 and 45 CFR 75.353.</li> <li>• *Added new § 1321.9(c)(2)(xix) after determining that the language regarding fixed amount subawards (previously in § 1321.9(c)(2)(i)) should be in a separate provision.</li> </ul>	
§ 1321.11 <u>Advocacy responsibilities.</u>	§ 1321.13 Advocacy responsibilities.	<ul style="list-style-type: none"> <li>• Outlines the SUA's advocacy responsibilities, such as (1) reviewing, monitoring, evaluating, and commenting on federal, state, and local actions that affect or may affect older adults or family caregivers, (2) providing technical assistance and training, and (3) reviewing and commenting on applications to state and federal agencies for assistance with meeting the needs of older adults or family caregivers.</li> <li>• Minor revisions to add "family caregivers" as a service population under the Act (per the 2000 reauthorization) and to clarify that the state responsibility includes training in addition to technical assistance.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble reference: OAA 305(a)</li> </ul>
§ 1321.13 <u>Designation of and designation changes to planning and service areas.</u>	§ 1321.29 Designation of planning and service areas.	<ul style="list-style-type: none"> <li>• Outlines the SUA's responsibility to designate PSAs and provides guidance on how to change those designations.</li> <li>• Reorganized and redesignated (from 1321.29 to 1321.13) for clarity with respect to other relevant provisions.</li> <li>• Revised to clarify requirements related to designating single versus multiple PSAs.</li> <li>• Revised to clarify that SUAs must have policies and procedures related to PSA designation and to provide guidance on the scope of what the policies and procedures must address (e.g., application process,</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble reference: OAA 305</li> <li>• Reg text reference: OAA 302(4)</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
		<p>providing notice to interested parties, documenting actions, conducting public hearings, and the appeals process).</p> <ul style="list-style-type: none"> <li>Revised to clarify factors the SUA must consider when seeking to change PSA designations (e.g., geographical distribution of older adults in the state, need for services, distribution of older adults with greatest economic need and greatest social need).</li> <li>Revised to state a requirement that the SUA must provide an explanation for its decision to change PSAs.</li> </ul>	
<p><u>§ 1321.15 Interstate planning and service area.</u></p>	<p>§ 1321.43 Interstate planning and service area.</p>	<ul style="list-style-type: none"> <li>Outlines the nature of interstate PSAs and actions related to interstate PSAs, including designation of an interstate PSA.</li> <li>Reorganized and redesignated (from 1321.43 to 1321.15) for clarity with respect to other relevant provisions.</li> <li>Revised language to align with updates to statutory terminology and clarify interstate PSA-related processes (e.g., applications for designation/redesignation of an interstate PSA), and responsible parties (e.g., ASA, Governor of each state).</li> </ul>	<ul style="list-style-type: none"> <li>Preamble reference: OAA 305(b)</li> </ul>
<p><u>§ 1321.17 Appeal to the Departmental Appeals Board on planning and service area designation.</u></p>	<p>§ 1321.31 Appeal to Commissioner.</p>	<ul style="list-style-type: none"> <li>Outlines the process for applicants to appeal a SUA's decision to deny an application for designation as a PSA.</li> <li>Reorganized and redesignated (from 1321.31 to 1321.17) for clarity with respect to other relevant provisions.</li> <li>Revised to align with updates to statutory terminology and requirements resulting from reauthorizations (e.g., changing "Commissioner" to "Assistant Secretary for Aging").</li> <li>Revised to provide additional guidance on procedures, such as submitting an appeal and conducting hearings. It also clarifies roles and responsibilities of those involved in the process, including the appellant, SUA, ASA, and Departmental Appeals Board (DAB).</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 305(a)(1)(E), 305(b)(4)</li> </ul>
<p><u>§ 1321.19 Designation of and designation changes to area agencies.</u></p>	<p>§ 1321.33 Designation of area agencies.</p>	<ul style="list-style-type: none"> <li>Outlines the SUA's responsibility to designate a AAA to serve each PSA and provides guidance on how to change those designations.</li> <li>Reorganized and redesignated (from 1321.33 to 1321.19) for clarity with respect to other relevant provisions.</li> <li>Revised to clarify that SUAs must have policies and procedures related to AAA designation and to provide guidance on the scope of what the policies and procedures must address (e.g., application process, providing notice to interested parties, consideration of unit(s) of general purpose local government views, assumption of AAA responsibilities by the SUA as needed, and the appeals process).</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 305(b), 305</li> <li>Reg text reference: OAA 306(f)</li> </ul>

Older Americans Act Regulations 1988 to 2024 Comparison Chart

2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
		<ul style="list-style-type: none"> <li>Revised to clarify which agencies may serve as a AAA and specify that only one AAA shall be designated to serve each PSA and that an organization may be designated as a AAA for more than one PSA (*exercising appropriate oversight over each).</li> <li>Revised to clarify the process for changes resulting from voluntary or involuntary de-designation of a AAA.</li> <li>Revised to clarify that a SUA must submit a state plan amendment documenting its actions re: AAA designation.</li> </ul>	
<p><u>§ 1321.21 Withdrawal of area agency designation.</u></p>	<p>§ 1321.35 Withdrawal of area agency designation.</p>	<ul style="list-style-type: none"> <li>Outlines the circumstances under which a SUA may withdraw a AAA designation, the requirement for the SUA to provide a plan for continuity of AAA functions, and the circumstances under which the SUA may perform or assign the responsibilities of the AAA.</li> <li>Reorganized and redesignated (from 1321.35 to 1321.21) for clarity with respect to other relevant provisions.</li> <li>Minor revisions to align with updates to statutory terminology and requirements resulting from reauthorizations (e.g., changing “Commissioner” to “Assistant Secretary for Aging”).</li> <li>Revisions to clarify the circumstances under which the SUA may withdraw a AAA designation (e.g., when a AAA substantially fails to comply with the Act or as determined by the SUA, when the SUA changes a PSA designation, when the AAA voluntarily requests designation withdrawal). Also clarifies that the SUA must submit a state plan or state plan amendment documenting the designation change.</li> </ul>	<ul style="list-style-type: none"> <li>Reg text reference: OAA 305</li> </ul>
<p><u>§ 1321.23 Appeal to the Departmental Appeals Board on area agency on aging withdrawal of designation.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>Outlines the process for applicants to appeal a SUA’s decision to withdraw a AAA designation.</li> <li>Added to provide guidance on procedures, such as submitting an appeal and conducting hearings. It also clarifies roles and responsibilities of those involved in the process, including the appellant, SUA, ASA, and DAB.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 305(a)(2)(A), 305(b)(5)(C)(i), 305(b)(5)(C)(iv)</li> </ul>
<p><u>§ 1321.25 Duration, format, and effective date of the State plan.</u></p>	<p>§ 1321.15 Duration, format and effective date of the State plan.</p>	<ul style="list-style-type: none"> <li>Outlines logistical requirements of the state plan.</li> <li>Reorganized and redesignated (from 1321.15 to 1321.25) for clarity with respect to other relevant provisions.</li> <li>Minor revisions to align with updates to statutory terminology resulting from reauthorizations (changing “Commissioner” to “Assistant Secretary for Aging”), to update regulatory references, and to clarify that the SUA must follow guidance on duration and formatting of the state plan issued by the ASA.</li> </ul>	

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<p><u>§ 1321.27 Content of State plan.</u></p>	<p>§ 1321.17 Content of State plan.</p>	<ul style="list-style-type: none"> <li>• Outlines required state plan content.</li> <li>• Reorganized and redesignated (from 1321.17 to 1321.27) for clarity with respect to other relevant provisions.</li> <li>• Revised to more clearly address core elements of the state plan that are required by the Act such as to: provide evidence that it is informed by, and based on, area plans in states with multiple PSAs; explain how individuals with greatest economic need and greatest social need are determined and served; include the SUA's IFF or funds distribution plan; demonstrate outreach to older Native Americans and coordination with Title VI programs under the Act; certify that program development and coordination activities will meet requirements; specify the minimum proportion of funds that will be expended on certain categories of services; provide information if the SUA allows for Title III, part C-1 funds to be used as set forth in § 1321.87(a)(1)(i); describe how the SUA will meet its responsibilities for the LAD; explain how the SUA will use its elder abuse prevention funding awarded pursuant to Title VII of the Act; and describe how the SUA will conduct monitoring of the assurances to which they attest.</li> <li>• *Revised text regarding how the state plan must describe how individuals with greatest economic need and greatest social need are determined and served, consistent with the revised definition of greatest social need</li> <li>• *Revised text to clarify that the determination of greatest economic need and greatest social need specific to Native American persons is identified pursuant to communication among the SUA and tribes, tribal organizations, and Native communities</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 307, 307(a)(2)(C)</li> <li>• Reg text reference: OAA 307</li> </ul>
<p><u>§ 1321.29 Public participation.</u></p>	<p>§ 1321.27 Public participation.</p>	<ul style="list-style-type: none"> <li>• Outlines requirements for the SUA to periodically engage and obtain the views of older persons, family caregivers, service providers, and the public.</li> <li>• Reorganized and redesignated (from 1321.17 to 1321.29) for clarity with respect to other relevant provisions.</li> <li>• Revised to update the service populations to align with statutory changes due to reauthorizations (e.g., adding family caregivers). Also revised to provide guidance regarding the SUA's engagement with the public, such as the SUA's methodology for obtaining public participation and the SUA's consideration of views from service populations and the public.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 307, 307(a)(4)</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
		<ul style="list-style-type: none"> <li>*Added text to require a reasonable period for public review of and comment on the state plan on aging, IFF, or funds distribution plan of at least 30 calendar days, except where a waiver is provided by the ASA.</li> </ul>	
<p><u>§ 1321.31 Amendments to the State plan.</u></p>	<p>§ 1321.19 Amendments to the State plan.</p>	<ul style="list-style-type: none"> <li>Outlines circumstances under which a SUA shall amend their state plan.</li> <li>Reorganized and redesignated (from 1321.19 to 1321.31) for clarity with respect to other relevant provisions.</li> <li>Revised to clarify the range of activities that require a state plan amendment (in addition to statutory, regulatory, law, organization, policy, or SUA operation changes as outlined in the existing regulation). Circumstances requiring a state plan amendment include, for example, a change in the state agency’s IFF or funds distribution plan for Title III funds, a request to waive state plan requirements (per section 316 of the Act), a change in PSA designation, or a change in AAA designation.</li> <li>Revised to clarify circumstances that are subject to prior approval by the ASA and those that are not (i.e., only require notification).</li> </ul>	<ul style="list-style-type: none"> <li>Reg text reference: OAA 316</li> </ul>
<p><u>§ 1321.33 Submission of the State plan or plan amendment to the Assistant Secretary for Aging for approval.</u></p>	<p>§ 1321.21 Submission of the State plan or plan amendment to the Commissioner for approval.</p>	<ul style="list-style-type: none"> <li>Outlines how states shall submit their plans or plan amendments for approval.</li> <li>Reorganized and redesignated (from 1321.21 to 1321.33) for clarity with respect to other relevant provisions.</li> <li>Revised to align with updates to statutory terminology resulting from reauthorizations (changing “Commissioner” to “Assistant Secretary for Aging”).</li> <li>Revised to clarify when SUAs should submit the plan for approval to the ASA (*90 days before the proposed effective date, except where a waiver is provided by the ASA) and that SUAs must submit a draft state plan to the appropriate ACL Regional Office for review (at least 120 days prior to the proposed effective date).</li> </ul>	
<p><u>§ 1321.35 Notification of State plan or State plan amendment approval or disapproval for changes requiring Assistant Secretary for Aging approval.</u></p>	<p>§ 1321.23 Notification of State plan or State plan amendment approval.</p>	<ul style="list-style-type: none"> <li>Outlines how the ASA notifies states of state plan or state plan amendment approvals or disapprovals that require ASA approval.</li> <li>Reorganized and redesignated (from 1321.23 to 1321.35) for clarity with respect to other relevant provisions.</li> <li>Revised to align with updates to statutory terminology resulting from reauthorizations (changing “Commissioner” to “Assistant Secretary for Aging”).</li> <li>Revised to clarify that the provision applies to actions that require approval from the ASA and that procedures for requesting a hearing on a proposed disapproval is subject to guidance set forth by the ASA.</li> </ul>	

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<p><u>§ 1321.37 Notification of State plan amendment receipt for changes not requiring Assistant Secretary for Aging approval.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Outlines how ACL notifies SUAs of state plan amendment receipt for amendments that do not require ASA approval.</li> <li>• Provision added to clarify the process that will be managed at the ACL Regional Office level, including review of the amendment to confirm that ASA’s approval is not required.</li> </ul>	
<p><u>§ 1321.39 Appeal to the Departmental Appeals Board regarding State plan on aging.</u></p>	<p>§ 1321.77 Scope.</p>	<ul style="list-style-type: none"> <li>• Outlines the process for SUAs to appeal the ASA’s disapproval of the state plan.</li> <li>• Reorganized and redesignated (from 1321.77 to 1321.39) for clarity with respect to other relevant provisions.</li> <li>• Provision added to clarify the appeal procedures that SUAs must follow regarding disapproval of the state plan, which differ from the procedures for appealing other decisions (e.g., applicants appealing a SUA decision), including specific hearing procedures.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 305, 307, 307(c)(1)</li> <li>• Reg text references: OAA 307(c), 307(d)</li> </ul>
<p><u>§ 1321.41 When a disapproval decision is effective.</u></p>	<p>§ 1321.79 When a decision is effective.</p>	<ul style="list-style-type: none"> <li>• Outlines the effective date of the ASA’s disapproval decision.</li> <li>• Reorganized and redesignated (from 1321.79 to 1321.41) for clarity with respect to other relevant provisions.</li> <li>• Minor revision to align with updates to statutory terminology resulting from reauthorizations (changing “Commissioner” to “Assistant Secretary for Aging”).</li> <li>• Also revised to clarify that the provision is specific to disapproval decisions.</li> </ul>	
<p><u>§ 1321.43 How the State agency may appeal the Departmental Appeals Board’s decision.</u></p>	<p>§ 1321.81 How the State may appeal.</p>	<ul style="list-style-type: none"> <li>• Outlines how the SUA may appeal the DAB’s decision.</li> <li>• Reorganized and redesignated (from 1321.81 to 1321.43) for clarity with respect to other relevant provisions.</li> <li>• Minor revisions to align with updates to statutory terminology resulting from reauthorizations (changing “Commissioner” to “Assistant Secretary for Aging”) and to update the title to better reflect the scope of the provision.</li> </ul>	
<p><u>§ 1321.45 How the Assistant Secretary for Aging may reallocate the State agency’s withheld payments.</u></p>	<p>§ 1321.83 How the Commissioner may reallocate the State’s withheld payments.</p>	<ul style="list-style-type: none"> <li>• Outlines how the ASA disburses the SUA’s withheld funds.</li> <li>• Reorganized and redesignated (from 1321.83 to 1321.45) for clarity with respect to other relevant provisions.</li> <li>• Minor revision to align with updates to statutory terminology resulting from reauthorizations (changing “Commissioner” to “Assistant Secretary for Aging”).</li> </ul>	
<p><u>§ 1321.47 Conflicts of interest policies and</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Outlines conflicts of interest (COI) that may arise at the SUA level.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble reference: OAA 307(a)(7)(B)</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<u>procedures for State agencies.</u>		<ul style="list-style-type: none"> <li>• Provision added in response to requests for clarification and questions from grantees and other stakeholders regarding responsibilities held by individuals in various positions and relationships between entities that serve older adults and family caregivers. The provision reflects the evolution of the activities and relationships needed to meet the requirement to develop comprehensive and coordinated systems for the delivery of services under the Act.</li> <li>• Requires SUAs to have policies and procedures that must establish mechanisms to avoid both actual and perceived COI and to identify, remove, and remedy any existing COI at organizational and individual levels.</li> <li>• *Added text to require a SUA, AAA, or Title III-funded program that also operates an adult protective service (APS) or guardianship program to document COI mitigation strategies.</li> </ul>	
<u>§ 1321.49 Intrastate funding formula.</u>	§ 1321.37 Intrastate funding formula	<ul style="list-style-type: none"> <li>• Outlines IFF requirements and flexibilities for states with multiple PSAs</li> <li>• Reorganized and redesignated (from 1321.37 to 1321.49) for clarity with respect to other relevant provisions.</li> <li>• Revised to provide detailed guidance on IFF requirements, such as those related to allocation of funds to AAAs for various programs, and prohibitions. Also clarifies flexibilities available to SUAs and AAAs.</li> <li>• *Added text to require a reasonable period for public review of and comment on the state plan on aging, IFF, or funds distribution plan of at least 30 calendar days, except where a waiver is provided by the ASA.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 305, 362</li> </ul>
<u>§ 1321.51 Single planning and service area States.</u>	§ 1321.41 Single planning and service area.	<ul style="list-style-type: none"> <li>• Outlines requirements for single PSA states.</li> <li>• Reorganized and redesignated (from 1321.41 to 1321.51) for clarity with respect to other relevant provisions.</li> <li>• Revised to clarify single PSA requirements, including submission of a detailed funds distribution plan and adherence to use the funds distribution plan for Title III and NSIP funds.</li> <li>• *Added text to require a reasonable period for public review of and comment on the state plan on aging, IFF, or funds distribution plan of at least 30 calendar days, except where a waiver is provided by the ASA.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble &amp; reg text reference: OAA 307(a)(8)(A)</li> </ul>
<u>§ 1321.53 State agency Title III and Title VI coordination responsibilities.</u>	N/A	<ul style="list-style-type: none"> <li>• Outlines expectations for coordinating activities and delivery of services under Titles III and VI of the Act (consistent with § 1321.69 [Area agency on aging Title III and Title VI coordination responsibilities], § 1321.95 [Service provider Title III and Title VI coordination responsibilities], and § 1322.31 [Title VI and Title III coordination]).</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 306(a)(11)(B), 307(a)(21)(A), 614(a)(11), 624(a)(3)</li> </ul>



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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
		<ul style="list-style-type: none"> <li>• Provision added to clarify that coordination is required under the Act and that all entities are responsible for coordination, including SUAs, AAAs, service providers, and Title VI grantees.</li> <li>• *Revised text regarding coordination expectations for SUAs, AAAs, and service providers where there are Title VI programs that the SUA's, AAA's, and service provider's coordination policies and procedures be developed in coordination with the relevant Title VI program director(s), including regarding emergency and disaster coordination, and that the items listed are minimum expectations.</li> </ul>	<ul style="list-style-type: none"> <li>• Reg text references: OAA 306(a)(11)(B), 307(a)(21)(A)</li> </ul>
<b>Subpart C – Area Agency Responsibilities</b>			
<u>§ 1321.55 Mission of the area agency.</u>	§ 1321.53 Mission of the area agency.	<ul style="list-style-type: none"> <li>• Outlines the AAA's mission, role, and functions as the lead on all aging issues in its PSA under the Act.</li> <li>• Reorganized and redesignated (from 1321.53 to 1321.55) for clarity with respect to other relevant provisions.</li> <li>• Minor revisions to align with updates to statutory terminology and requirements resulting from reauthorizations (e.g., adding family caregivers as a service population per the 2000 reauthorization) and to clarify the focus on older adults with greatest economic need or greatest social need.</li> <li>• Also revised to remove the language related to a AAA's obligations with respect to focal points.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 306(a), 306(a)(6)(D)</li> </ul>
<u>§ 1321.57 Organization and staffing of the area agency.</u>	§ 1321.55 Organization and staffing of the area agency.	<ul style="list-style-type: none"> <li>• Outlines the organization and staffing of the AAAs in each PSA.</li> <li>• Reorganized and redesignated (from 1321.55 to 1321.57) for clarity with respect to other relevant provisions.</li> <li>• Minor revisions to align with updates to statutory terminology and requirements resulting from reauthorizations (e.g., adding family caregivers as a service population per the 2000 reauthorization) and regulatory references.</li> <li>• Revised to remove the language prohibiting a separate organizational unit within a multi-purpose agency which functions as the AAA from having any purpose other than serving as a AAA.</li> </ul>	<ul style="list-style-type: none"> <li>• Reg text reference: OAA 305(b)(5)(B)</li> </ul>
<u>§ 1321.59 Area agency policies and procedures.</u>	N/A	<ul style="list-style-type: none"> <li>• States that AAAs shall develop policies and procedures governing all aspects of programs operated under the Act, as articulated in section 306 and throughout the Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble reference: OAA 306</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
		<ul style="list-style-type: none"> <li>• Provision added to clarify the scope of AAA versus SUA responsibility, the relationship between SUA and AAA policies and procedures, and the activities included within the AAA's responsibility.</li> </ul>	
<p><u>§ 1321.61 Advocacy responsibilities of the area agency.</u></p>	<p>§ 1321.61 Advocacy responsibilities of the area agency.</p>	<ul style="list-style-type: none"> <li>• Outlines the AAA's advocacy responsibilities, such as (1) reviewing, monitoring, evaluating, and commenting on policies, programs, and other actions that affect or may affect older adults or family caregivers, (2) soliciting comments from the public on the needs of older adults and family caregivers, and (3) consulting with and supporting the state's LTCOP.</li> <li>• Reorganized for clarity with respect to other relevant provisions.</li> <li>• Minor revisions to add "family caregivers" as a service population under the Act (per the 2000 reauthorization).</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 305(a)(1)(D), 306(a)(6)(B), 305</li> </ul>
<p><u>§ 1321.63 Area agency advisory council.</u></p>	<p>§ 1321.57 Area agency advisory council.</p>	<ul style="list-style-type: none"> <li>• Outlines the function and composition of the advisory council established by the AAA.</li> <li>• Reorganized and redesignated (from 1321.57 to 1321.63) for clarity with respect to other relevant provisions.</li> <li>• Minor revisions to align with updates to statutory terminology and requirements resulting from reauthorizations (e.g., adding family caregivers as a service population per the 2000 reauthorization), to clarify the focus on older adults with greatest economic need or greatest social need, and to specify individuals to be considered for advisory council membership.</li> <li>• Also clarifies the AAA's advisory council duties with regard to soliciting and incorporating public input.</li> <li>• *Added text to clarify the AAA's advisory council must be separate from its board of directors.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble reference: OAA 306</li> </ul>
<p><u>§ 1321.65 Submission of an area plan and plan amendments to the State agency for approval.</u></p>	<p>§ 1321.59 Submission of an area plan or plan amendments to the State for approval.</p> <p>&amp;</p> <p>1321.52 Evaluation of unmet need.</p>	<ul style="list-style-type: none"> <li>• The provision contained in § 1321.52 (<i>Evaluation of unmet need</i>) and § 1321.59 (<i>Submission of an area plan and plan amendments to the State for approval</i>) of the existing regulation are combined and redesignated here as § 1321.65.</li> <li>• Includes revisions to clarify for SUAs the area plan requirements that should be addressed by SUA policies and procedures. These include identification of populations in the PSA of greatest economic need and greatest social need; evaluation of unmet needs; public participation in the area plan development process; plans for which services will be provided, how services will be provided, and how funding will be distributed; a process for determining if a AAA meets requirements to</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 306, 307(a)(8), 306(a)(2)</li> <li>• Reg text references: OAA 307(a)(8)(A), 306(a)(16)</li> </ul>

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		<p>provide certain direct services pursuant to section 307(a)(8) of the Act; minimum adequate proportion requirements per section 306(a)(2) of the Act; and requirements for program development and coordination activities as set forth in § 1321.27(h). SUAs may include other requirements that meet state-specific needs.</p> <ul style="list-style-type: none"> <li>• Includes additions to reflect statutory updates and changes in the nutrition program.</li> <li>• *Revised text to specify that the area plan must describe how individuals with greatest economic need and greatest social need are determined and served, consistent with the revised definition of greatest social need</li> <li>• *Added text to specify a reasonable period for public input on area plans on aging of at least 30 calendar days, expect where a waiver is provided by the SUA</li> </ul>	
<p><u>§ 1321.67 Conflicts of interest policies and procedures for area agencies on aging.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Outlines COI that may arise at the AAA level. AAAs must have policies and procedures to identify both organizational and individual COI.</li> <li>• Provision added in response to requests for clarification and questions from grantees and other stakeholders regarding responsibilities held by individuals in various positions and relationships between entities that serve older adults. The provision reflects the evolution of the activities and relationships needed to meet the requirement to develop comprehensive and coordinated systems for the delivery of services under the Act.</li> <li>• *Added text to require a SUA, AAA, or Title III-funded program that also operates an APS or guardianship program to document COI mitigation strategies</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble reference: OAA 307(a)(7)(B)</li> </ul>
<p><u>§ 1321.69 Area agency on aging Title III and Title VI coordination responsibilities.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Outlines expectations for coordinating activities and delivery of services under Titles III and VI of the Act (consistent with § 1321.53 [State agency Title III and Title VI coordination responsibilities], § 1321.95 [Service provider Title III and Title VI coordination responsibilities], and § 1322.31 [Title VI and Title III coordination]).</li> <li>• Provision added to clarify that coordination is required under the Act and that all entities are responsible for coordination, including SUAs, AAAs, service providers, and Title VI grantees.</li> <li>• *Revised text regarding coordination expectations for SSUAs, AAAs, and service providers where there are Title VI programs that the SUA's, AAA's, and service provider's coordination policies and procedures be developed in coordination with the relevant Title VI program director(s),</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 306(a)(11)(B), 307(a)(21)(A), 614(a)(11), 624(a)(3)</li> <li>• Reg text reference: OAA 306(a)(11)(B)</li> </ul>

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		including regarding emergency and disaster coordination, and that the items listed are minimum expectations.	
<b>Subpart D – Service Requirements</b>			
<u>§ 1321.71 Purpose of services allotments under Title III.</u>	§ 1321.63 Purpose of services allotments under Title III.	<ul style="list-style-type: none"> <li>• Outlines the authorized services for which Title III funds can be used.</li> <li>• Reorganized and redesignated (from 1321.63 to 1321.71) for clarity with respect to other relevant provisions.</li> <li>• Revised to clarify the categories of services allowed under Title III of the Act and the obligation of SUAs and AAAs to fulfill those services.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble reference: OAA 321</li> </ul>
<u>§ 1321.73 Policies and procedures.</u>	N/A & § 1321.65 Responsibilities of service providers under area plans.	<ul style="list-style-type: none"> <li>• Outlines requirements for policies and procedures regarding service requirements.</li> <li>• Provision (1) clarifies AAAs’ and service providers’ role in developing and implementing policies and procedures in accordance with SUA policies and procedures, (2) specifies the requirements for the AAA and/or local service provider to submit statistical and other information requested by the SUA to meet the SUA’s obligations (as outlined in § 1321.9), and (3) specifies requirements for SUAs and AAAs to develop an independent qualitative and quantitative monitoring process to ensure the quality and effectiveness of services provided to older adults and family caregivers.</li> </ul>	
<u>§ 1321.75 Confidentiality and disclosure of information.</u>	§ 1321.51 Confidentiality and disclosure of information.	<ul style="list-style-type: none"> <li>• Outlines the requirement for SUAs and AAAs to have procedures to protect the confidentiality of information about older adults and family caregivers collected during the course of their work.</li> <li>• Reorganized and redesignated (from 1321.51 to 1321.75) for clarity with respect to other relevant provisions.</li> <li>• Minor revisions to add “family caregivers” as a service population under the Act (per the 2000 reauthorization).</li> <li>• Also revised to clarify SUA, AAA, or other contracting or granting or auditing agency’s obligation to protect confidentiality, such as by not requiring providers of Long-Term Care Ombudsman (LTCO) services to reveal any information protected under the provisions in 1324 Subpart A (<i>State Long-Term Care Ombudsman Program</i>).</li> </ul>	
<u>§ 1321.77 Purpose of services – person- and family-centered, trauma informed.</u>	N/A	<ul style="list-style-type: none"> <li>• States that services under the Act should be provided in a person-centered and trauma-informed manner.</li> <li>• Provision added to clarify that, consistent with the direction of section 101 of the Act, recipients are entitled to an equal opportunity to the full and free enjoyment of the best possible physical and mental health, which includes access to person-centered and trauma-informed services.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble reference: OAA 101</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<p><u>§ 1321.79 Responsibilities of service providers under State and area plans.</u></p>	<p>§ 1321.65 Responsibilities of service providers under area plans.</p>	<ul style="list-style-type: none"> <li>• Outlines the responsibilities of service providers under state and area plans.</li> <li>• Reorganized and redesignated (from 1321.65 to 1321.79) for clarity with respect to other relevant provisions.</li> <li>• Minor revisions to align with updates to statutory terminology and requirements resulting from reauthorizations (e.g., adding family caregivers as a service population per the 2000 reauthorization) and to clarify the focus on older adults with greatest economic need or greatest social need.</li> </ul>	<ul style="list-style-type: none"> <li>• Reg text reference: OAA 306(a)(16)</li> </ul>
<p><u>§ 1321.81 Client eligibility for participation.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Outlines eligibility requirements for older adults and their caregivers to receive services under the Act.</li> <li>• In most cases, recipients must be age 60 or older at the time of service, but there are limited exceptions, such as age requirements in the nutrition and caregiver support services.</li> <li>• Provision added to clarify eligibility requirements under the Act and explain that SUAs, AAAs, and service providers may adopt additional eligibility requirements, if they do not conflict with the Act, the implementing regulation, or guidance issued by the ASA.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 102(40), 302(3)</li> </ul>
<p><u>§ 1321.83 Client and service priority.</u></p>	<p>§ 1321.69 Service priority for frail, homebound or isolated elderly.</p>	<ul style="list-style-type: none"> <li>• The provision contained in § 1321.69 of the existing regulation (<i>Service priority for frail, homebound or isolated elderly</i>) is redesignated here as § 1321.83 and is retitled for clarity.</li> <li>• Clarifies that entities may prioritize services and that they have flexibility to set their own policies in this regard. It also clarifies that SUAs are responsible for setting service priorities, but may establish policies and procedures to grant AAAs and/or service providers the discretion to set service priorities at the local level.</li> <li>• Includes revisions to account for the addition of the National Family Caregiver Support Program (NFCSP), family caregivers as a service population, and priorities for serving family caregivers pursuant to the 2000 amendments to the Act (Pub. L. 106-501).</li> </ul>	
<p><u>§ 1321.85 Supportive services.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Outlines the supportive services set forth in Title III, part B, section 321 of the Act, which includes in-home supportive services, access services, and legal services.</li> <li>• Provision added to clarify required supportive services, allowable use of funds, and the method of funds distribution (which must occur through an approved IFF or funds distribution plan, as articulated in the state plan).</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 321, 301(a)(1), 303, 304, 306(a)(1), 321(a)</li> <li>• Reg text references: OAA 321, 321(a)(6)(C), 321(a)(19), 321(a)(21)</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<p><u>§ 1321.87 Nutrition services.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Outlines the nutrition services set forth in Title III, part C of the Act—which includes congregate meals, home-delivered meals, nutrition education, nutrition counseling, and other nutrition services—and specifies NSIP requirements.</li> <li>• Provision added to clarify required nutrition services, allowable use of funds, and the method of funds distribution (which must occur through an approved IFF or funds distribution plan, as articulated in the state plan).</li> <li>• *Revised text regarding the amount of Title III, part C-1 funds that may be used to complement the congregate meals program for shelf-stable, pick-up, carry-out, drive-through, or similar meals from 20 percent in the NPRM to 25 percent in the final rule.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 331(1), 339, 339(1), 321, 321(a)(17), 321(a)(26), 331, 336, 337</li> <li>• Reg text reference: OAA 339</li> </ul>
<p><u>§ 1321.89 Evidence-based disease prevention and health promotion services.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Outlines evidence-based disease prevention and health promotion services set forth in Title III, part D of the Act, and states that programs funded under this provision must be evidence-based.</li> <li>• Provision added to clarify required evidence-based disease prevention and health promotion services, allowable use of funds, and the method of funds distribution (which must occur through an approved IFF or funds distribution plan, as articulated in the state plan).</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 361, 361(a), 362</li> </ul>
<p><u>§ 1321.91 Family caregiver support services.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Provision added to articulate the statutory addition of Title III, part E (NFCSP) during the 2000 reauthorization. Also clarifies required family caregiver support services, allowable use of funds, and the method of funds distribution (which must occur through an approved IFF or funds distribution plan, as articulated in the state plan).</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 373(c)(1)(B), 373(c)(2)</li> </ul>
<p><u>§ 1321.93 Legal assistance.</u></p>	<p>§ 1321.71 Legal assistance.</p>	<ul style="list-style-type: none"> <li>• Outlines requirements of SUAs, AAAs, and service providers in providing legal assistance.</li> <li>• Reorganized and redesignated (from 1321.71 to 1321.93) for clarity with respect to other relevant provisions.</li> <li>• Revised to clarify specific responsibilities that fall to the SUA, AAA, and service providers, including (1) the SUA's obligation to ensure that legal assistance is provided in the state, (2) the AAA's obligation to award the required adequate proportion of funding for legal assistance and to contract with those best able to provide legal assistance services, and (3) the legal assistance provider's obligation to provide effective representation with a focus on specific priority areas of law set forth in the Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 101, 101(10), 102(23) &amp; (24), 202(a)(6), 307(a)(15), 307(a)(11), 102(33), 420(a)(1), 307(a)(11)(E), 321(a)(6)(B)(ii), 712(h)(8), 307(a)(2)(C), 306(a)(2)(C), 307(a)(11)(D), 215, 307(a)(11)(A)</li> <li>• Reg text references: OAA 102(33), 307(a)(11), 420(a)(1), 307(a)(2)(C), 712(h)(8), 102(35), 102(24)(c), 306(a)(4)(B),</li> </ul>

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<p><u>§ 1321.95 Service provider Title III and Title VI coordination responsibilities.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Outlines expectations for coordinating activities and delivery of services under Titles III and VI of the Act (consistent with § 1321.53 [State agency Title III and Title VI coordination responsibilities], § 1321.69 [Area agency on aging Title III and Title VI coordination responsibilities], and § 1322.31 [Title VI and Title III coordination]).</li> <li>• Provision added to clarify that coordination is required under the Act and that all entities are responsible for coordination, including SUAs, AAAs, service providers, and Title VI grantees.</li> <li>• *Revised text regarding coordination expectations for SUAs, AAAs, and service providers where there are Title VI programs that the SUA's, AAA's, and service provider's coordination policies and procedures be developed in coordination with the relevant Title VI program director(s), including regarding emergency and disaster coordination, and that the items listed are minimum expectations.</li> </ul>	<p>306(a)(19), 307(a)(11), 102(44), 102(24)</p> <ul style="list-style-type: none"> <li>• Preamble references: OAA 306(a)(11)(B), 307(a)(21)(A), 614(a)(11), 624(a)(3)</li> </ul>
<p>N/A</p>	<p>§ 1321.75 Licenses and safety.</p>	<ul style="list-style-type: none"> <li>• Deleted.</li> </ul>	
<p><b>Subpart E – Emergency and Disaster Requirements</b></p>			
<p>Overview of new subpart</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Subpart E provisions were added to provide guidance on emergency and disaster requirements under the Act, given the limited guidance in § 1321.65 of the existing regulation regarding weather-related emergencies only. The COVID-19 public health emergency (PHE) demonstrated how emergencies beyond those discussed in the existing regulation could have a devastating effect on older adults, and it required consideration of the evolution of what may constitute an “emergency” or “disaster” and how they may uniquely affect older adults.</li> <li>• The provisions address inquiries and feedback that demonstrated a need for clarity on available flexibilities in an emergency and consideration of the range of emergencies that impact older adults, including natural, human-caused, climate-related, and viral disasters. The provisions outline guidance that will allow SUAs, AAAs, and service providers to have the flexibility necessary to adequately plan for emergency situations, as contemplated by the Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 310, 310(c)</li> </ul>

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<u>§ 1321.97 Coordination with State, Tribal and local emergency management.</u>	N/A	<ul style="list-style-type: none"> <li>States that SUAs and AAAs must establish emergency plans (per sections 307(a)(28) and 306(a)(17) of the Act, respectively) and outlines requirements of such plans.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 307(a)(28), 306(a)(17)</li> <li>Reg text reference: OAA 307(a)(28)</li> </ul>
<u>§ 1321.99 Setting aside funds to address disasters.</u>	N/A	<ul style="list-style-type: none"> <li>Outlines parameters under which SUAs may set aside and use funds during a presidentially declared major disaster declaration (MDD) under the Stafford Act, per section 310 of the Act.</li> <li>Clarifies that SUAs may specify that they are setting aside Title III funds for disaster relief in their IFF or funds distribution plan. It also provides direction as to the process a SUA must follow in order to award such funds for use within all or part of a PSA covered by a specific MDD where Title III services are impacted, as well as requirements with respect to the awarding of such funds.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble &amp; reg text reference: OAA 310</li> </ul>
<u>§ 1321.101 Flexibilities under a major disaster declaration.</u>	N/A	<ul style="list-style-type: none"> <li>Outlines disaster relief flexibilities available under an MDD to provide disaster relief services for affected older adults and family caregivers.</li> <li>Specifies the content of the state plan amendment required when exercising any of the following flexibilities under an MDD: (1) Allowing use of any portion of the funds of any open grant awards under Title III of the Act for disaster relief services for older individuals and family caregivers. (2) Awarding portions of state plan administration, up to a maximum of 5% of the Title III grant award or to a maximum of the amounts set forth at § 1321.9(c)(2)(iv), for use in a PSA covered in whole or part under a MDD without the requirement of allocation through the IFF or funds distribution plan to be used for direct service provision. (3) Awarding of funds set aside to address disasters, as set forth in § 1321.99, or as determined by the ASA, in the ways set forth at (b)(3)(i)-(iii).</li> <li>Provision states the allowable services and specifies how funds expended under disaster relief flexibilities are to be reported. Also states that the time period during which disaster-related flexibilities are allowed is during the MDD incident period or 90 days thereafter.</li> <li>*Reorganized the text in this section to clearly identify available flexibilities a SUA may exercise under an MDD and to specify that a state plan amendment not requiring prior approval must be submitted if the SUA exercises any of the flexibilities.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 308(b)(2), 310(c)</li> </ul>
<u>§ 1321.103 Title III and Title VI coordination for</u>	N/A	<ul style="list-style-type: none"> <li>Outlines expectations for coordinating activities and delivery of services under Titles III and VI of the Act (consistent with § 1321.53 [State agency</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 306(a)(11)(B),</li> </ul>



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<u>emergency and disaster preparedness.</u>		<p>Title III and Title VI coordination responsibilities], § 1321.69 [Area agency on aging Title III and Title VI coordination responsibilities], and § 1321.95 [Service provider Title III and Title VI coordination responsibilities]).</p> <ul style="list-style-type: none"> <li>• Provision added to clarify that coordination is required under the Act and that all entities are responsible for coordination, including SUAs, AAAs, service providers, and Title VI grantees.</li> <li>• *Revised text regarding coordination expectations for SUAs, AAAs, and service providers where there are Title VI programs that the SUA's, AAA's, and service provider's coordination policies and procedures be developed in coordination with the relevant Title VI program director(s), including regarding emergency and disaster coordination, and that the items listed are minimum expectations.</li> </ul>	307(a)(21)(A), 614(a)(11), 624(a)(3)
<u>§ 1321.105 Modification during major disaster declaration or public health emergency.</u>	N/A	<ul style="list-style-type: none"> <li>• States that the ASA retains the right to modify emergency and disaster-related requirements set forth in the regulation under an MDD or PHE.</li> </ul>	
<b>Part 1322</b>			<b>Title VI</b>
<b>Subpart A - Introduction</b>			
General	N/A		<ul style="list-style-type: none"> <li>• Preamble references: OAA 102(27), 102(56), 102(37), 102(37)(B), 612(c), 625</li> </ul>
<u>§ 1322.1 Basis and purpose of this part.</u>	§ 1322.1 Basis and purpose of this part.	<ul style="list-style-type: none"> <li>• Revised § 1322.1 explains the requirements of Title VI of the Act to provide grants to Indian tribes and Native Hawaiian grantees. ACL consolidates 45 CFR part 1322 and 45 CFR part 1323 into 45 CFR part 1322 and subsequently retitle this part as "Grants to Indian Tribes and Native Hawaiian Grantees for Supportive, Nutrition, and Caregiver Services." Language is revised to affirm the sovereign government to government relationship with a tribal organization, and similar considerations, as appropriate for Hawaiian Native grantees representing elders and family caregivers, and to ensure consistency with statutory terminology and requirements, such as adding reference to caregiver services and specifying family caregivers as a service population, as set forth in Title VI of the Act. Language is added to incorporate Native Hawaiians and Native Hawaiian grantees. Also clarifies that terms not otherwise defined will have meanings ascribed to them in the Act.</li> </ul>	
<u>§ 1322.3 Definitions</u>	§ 1322.3 Definitions.	<ul style="list-style-type: none"> <li>• Updates the definitions of significant terms in § 1322.3 to reflect current statutory terminology and operating practice and to provide clarity. Adds</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 612(c), 612, 614(c)(4)</li> </ul>

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		<p>several definitions and revises several existing definitions. The additions and revisions are intended to reflect changes to the statute, important practices in the administration of programs under the Act, and feedback received from a range of stakeholders.</p> <ul style="list-style-type: none"> <li>Added definitions of the following terms: “Access to services,” “Act,” “Area agency on aging,” “Domestically produced foods,” “Eligible organization,” “Family caregiver,” “Hawaiian Native or Native Hawaiian,” “Hawaiian Native grantee,” “In-home supportive services,” “Major disaster declaration,” “Multipurpose senior center,” “Native American,” “Nutrition Services Incentive Program,” “Older Native Hawaiian,” “Older relative caregiver,” “Program income,” “Reservation,” “State agency,” “Title VI director,” and “Voluntary contributions.”</li> <li>*Edits to definitions made for consistency with Title III, where appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Reg text references: OAA 310, 631, 305(b)(2), 315(b)</li> </ul>
N/A	§ 1322.5 Applicability of other regulations.	<ul style="list-style-type: none"> <li>Removed § 1322.5, which listed other applicable regulations, because the provision is unnecessary and may create confusion or become outdated due to statutory or regulatory changes.</li> </ul>	

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<b>Subpart B - Application</b>			
<u>§ 1322.5 Application requirements.</u>	§ 1322.19 Application requirements.	<ul style="list-style-type: none"> <li>Redesignated § 1322.19 of the existing regulation (Application requirements) as § 1322.5 and revised the provisions to reflect updates to the Act.</li> <li>Specifies that application submissions must include program objectives; a map and/or description of the geographic boundaries of the proposed service area; documentation of supportive and nutrition services capability; certain assurances; a tribal resolution; and signature by a principal official.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 612(a), 614(c)(4)</li> <li>Reg text references: OAA 614, 614(a)(5)</li> </ul>
<u>§ 1322.7 Application approval.</u>	§ 1322.21 Application approval.	<ul style="list-style-type: none"> <li>Section 1322.21 of the existing regulation (Application approval) is redesignated here as § 1322.7.</li> <li>Minor revisions to align the provision with updates to the Act and to clarify that no less than annual performance and fiscal reporting is required.</li> </ul>	<ul style="list-style-type: none"> <li>Reg text references: OAA 614(e), 614(d)</li> </ul>
<u>§ 1322.9 Hearing procedures.</u>	§ 1322.23 Hearing procedures.	<ul style="list-style-type: none"> <li>Section 1322.23 of the existing regulation (Hearing procedures) is redesignated here as § 1322.9. Section 614(d)(3) of the Act provides opportunity for a hearing when an organization's application under section 614 is denied. As under Title III, hearings will be conducted by the Department of Health and Human Services (HHS) DAB.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 614(d)(3), 614</li> <li>Reg text reference: OAA 614(d)(3)</li> </ul>
<b>Subpart C – Service Requirements</b>			
<u>§ 1322.11 Purpose of services allotments under Title VI.</u>	N/A	<ul style="list-style-type: none"> <li>New § 1322.11 specifies that services provided under Title VI consist of supportive, nutrition, and family caregiver support program services, and that funds are to assist a tribal organization or Hawaiian Native grantee to develop or enhance comprehensive and coordinated community-based systems for older Native Americans and family caregivers.</li> </ul>	

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<p><u>§ 1322.13 Policies and procedures.</u></p>	<p>§ 1322.9 Contributions &amp; § 1322.11 Prohibition against supplantation. &amp; § 1322.17 Access to information.</p>	<ul style="list-style-type: none"> <li>• Combined §§ 1322.9 (Contributions), 1322.11 (Prohibition against supplantation), and 1322.17 (Access to information) of the existing regulation and redesignated them as § 1322.13 (Policies and procedures). Combined into § 1322.13 the areas for which a tribal organization or Hawaiian Native grantee must have established policies and procedures.</li> <li>• Section 1322.13 specifies programmatic and fiscal requirements for which a tribal organization or Hawaiian Native grantee should have established policies and procedures. These include identifying an individual to serve as the Title VI director; collecting and submitting data and other reports to ACL; ensuring that the direct provision of services meet requirements of the Act; client eligibility; coordination with AAAs and other Title III and VII-funded programs; specifying a listing and definitions of services that may be provided by the tribal organization or Hawaiian Native grantee; detailing any limitations on the frequency, amount, or type of service provided; and the grievance process for older Native Americans and family caregivers who are dissatisfied with or denied services under the Act.</li> <li>• Add § 1322.13(c)(2) to provide clarity regarding policies and procedures for fiscal requirements such as voluntary contributions; buildings and equipment; and supplantation.</li> </ul>	
<p><u>§ 1322.15 Confidentiality and disclosure of information.</u></p>	<p>§ 1322.7 Confidentiality and disclosure of information.</p>	<ul style="list-style-type: none"> <li>• Section 1322.7 of the existing regulation (Confidentiality and disclosure of information) is redesignated here as § 1322.15.</li> <li>• Minor revisions to align the provision with updates to definitions and consolidation of part 1323 regarding applicability to a Hawaiian Native grantee. Specifies that a provider of legal assistance shall not be required to reveal any information that is protected by attorney client privilege; policies and procedures are in place to maintain confidentiality of records; and information may be shared with other organizations, as appropriate, in order to provide services. The tribal organization or Hawaiian Native grantee may also require the application of other laws and guidance for the collection, use, and exchange of both PII and personal health information.</li> </ul>	

Older Americans Act Regulations 1988 to 2024 Comparison Chart

2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<u>§ 1322.17 Purpose of services – person- and family-centered, trauma-informed.</u>	N/A	<ul style="list-style-type: none"> <li>• New § 1322.17 clarifies that services under the Act should be provided in a manner that is person-centered and trauma-informed. Recipients of services are entitled to an equal opportunity to the full and free enjoyment of the best possible physical and mental health, which includes access to person-centered and trauma-informed services.</li> </ul>	
<u>§ 1322.19 Responsibilities of service providers.</u>	N/A	<ul style="list-style-type: none"> <li>• New § 1322.19 specifies the responsibilities of service providers to include providing service participants with an opportunity to contribute to the cost of the service; providing self-directed services to the extent feasible; acknowledging service provider responsibility to comply with local APS requirements, as appropriate; arranging for weather-related and other emergencies; assisting participants to benefit from other programs; coordinating with other appropriate services; and *training to provide services in a culturally competent manner.</li> </ul>	
<u>§ 1322.21 Client eligibility for participation.</u>	N/A	<ul style="list-style-type: none"> <li>• New § 1322.21 clarifies eligibility requirements under the Act and explains that a tribal organization or Hawaiian Native grantee may adopt additional eligibility requirements, if they do not conflict with the Act, the implementing regulation, or guidance issued by the ASA.</li> </ul>	
<u>§ 1322.23 Client and service priority.</u>	N/A	<ul style="list-style-type: none"> <li>• New § 1322.23 clarifies that entities may prioritize services and that they have flexibility to set their own policies based on their assessment of local needs and resources. For clarity and convenience, the priorities are listed for serving family caregivers as set forth in section 631(b) of the Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble reference: OAA 631(b)</li> </ul>
<u>§ 1322.25 Supportive services.</u>	§ 1322.13 Supportive services.	<ul style="list-style-type: none"> <li>• Section 1322.13 of the existing regulation (Supportive services) is redesignated here as § 1322.25. Revised § 1322.25 clarifies the supportive services available under Title VI, parts A and B of the Act are intended to be comparable to such services set forth in Title III of the Act. Supportive services under Title III of the Act include in-home supportive services, access services, and legal services.</li> <li>• Clarifies allowable use of funds, including for acquiring, altering or renovating, and constructing multipurpose senior centers.</li> <li>• Clarifies that inappropriate duplication of services be avoided for participants receiving service under both part A or B and part C.</li> <li>• Includes minor language revisions for clarity and consistency with updated definitions.</li> </ul>	

Older Americans Act Regulations 1988 to 2024 Comparison Chart

2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<p><u>§ 1322.27 Nutrition services.</u></p>	<p>§ 1322.15 Nutrition services.</p>	<ul style="list-style-type: none"> <li>Section 1322.15 of the existing regulation (Nutrition services) is redesignated here as § 1322.27. Revised § 1322.27 clarifies that nutrition services available under Title VI, parts A and B of the Act are intended to be comparable to services available under Title III of the Act (section 614(a)(8)).</li> <li>Clarifies that home-delivered meals may be provided via home delivery, pick-up, carry-out, drive-through, or as determined by the tribal organization or Hawaiian Native grantee; that eligibility for home-delivered meals is determined by the tribal organization or Hawaiian Native grantee and not limited to those who may be identified as “homebound;” that eligibility criteria may consider multiple factors; and that meal participants may also be encouraged to attend congregate meals and other activities, as feasible, based on a person-centered approach and local service availability.</li> <li>Specifies that the tribal organization or Hawaiian Native grantee must provide congregate and home-delivered meals, and nutrition education, nutrition counseling, and other nutrition services may be provided, with funds under Title VI part A or B of the Act. Includes minor clarifications for consistency.</li> <li>Sets forth requirements for NSIP allocations.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble reference: OAA 614(a)(8)</li> <li>Reg text references: OAA 339, 614(a)(8)</li> </ul>
<p><u>§ 1322.29 Family caregiver support services.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>New § 1322.29 implements section 631 of the Act related to family caregiver support services. It clarifies the services available; eligibility requirements for respite care and supplemental services; and allowable use of funds.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble reference: OAA 631</li> </ul>

Older Americans Act Regulations 1988 to 2024 Comparison Chart

2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<p><u>§ 1322.31 Title VI and Title III coordination.</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Consistent with § 1321.53 (State agency Title III and Title VI coordination responsibilities), § 1321.69 (Area agency on aging Title III and Title VI coordination responsibilities), and § 1321.95 (Service provider Title III and Title VI coordination responsibilities), new § 1322.31 outlines expectations for coordinating activities and delivery of services under Title VI and Title III, as articulated in sections 306(a)(11)(B), 307(a)(21)(A), 614(a)(11), and 624(a)(3) of the Act.</li> <li>• Clarifies that coordination is required under the Act and that all entities are responsible for coordination, including tribal organizations and a Hawaiian Native grantee, SUAs, AAAs, and service providers.</li> <li>• *Revised text regarding coordination expectations for Title VI programs that their coordination policies and procedures be developed in coordination with the relevant SUA, AAAs, and/or service providers; that the Title VI program director participates in development of SUA, AAA, and service provider coordination policies and procedures; and that the items listed are minimum expectations.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 306(a)(11)(B), 307(a)(21)(A), 614(a)(11), 624(a)(3)</li> <li>• Reg text references: OAA 614(a)(11), 624(a)(3)</li> </ul>
<p><b>Subpart D – Emergency and Disaster Requirements</b></p>			
<p>Overview of new subpart</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Added Subpart D – Emergency and Disaster Requirements (§§ 1322.33 – 1322.39) to explicitly outline expectations and clarify flexibilities that are available in a disaster situation.</li> <li>• Certain flexibilities, such as allowing for carry-out or drive through meals, constitute innovative ways to deliver services that could be allowable on a regular basis within the parameters of Title VI part A or B and without any special authorization by ACL during an emergency. Those flexibilities have been incorporated where applicable in the revised regulation for clarification purposes (see § 1322.27, which addresses carry-out and other alternatives to traditional home-delivered meals).</li> <li>• States that ACL is limited by the Act in the extent to which other flexibilities may be allowed.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 310, 310(c)</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
<u>§ 1322.33 Coordination with Tribal, State, and local emergency management.</u>	N/A	<ul style="list-style-type: none"> <li>• New § 1322.33 states that tribal organizations and Hawaiian Native grantees must establish emergency plans, and this section outlines requirements that these plans must meet.</li> <li>• Include in this section additional guidance in connection with the development of sound emergency plans (such as requirements for continuity of operations planning, taking an all-hazards approach to planning, and coordination among tribal, state, and local emergency management and other agencies that have responsibility for disaster relief delivery).</li> </ul>	
<u>§ 1322.35 Flexibilities under a major disaster declaration.</u>	N/A	<ul style="list-style-type: none"> <li>• New § 1322.35 outlines disaster relief flexibilities available under a MDD to provide disaster relief services for affected older Native Americans and family caregivers.</li> <li>• Allows a tribal organization or Hawaiian Native grantee up to 90 days after the expiration of a MDD to obligate funds for disaster relief services.</li> <li>• States that ACL is limited by the Act in the extent to which flexibilities may be allowed.</li> <li>• *Added text specifying the flexibilities a grantee under Title VI may exercise under an MDD to allow use of any portion of funds of any open grant under Title VI of the Act for disaster relief services for older individuals and family caregivers.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble reference: OAA 310(c)</li> </ul>
<u>§ 1322.37 Title VI and Title III coordination for emergency and disaster preparedness.</u>	N/A	<ul style="list-style-type: none"> <li>• Section 1321.53 (State agency Title III and Title VI coordination responsibilities), § 1321.69 (Area agency on aging Title III and Title VI coordination responsibilities), and § 1321.95 (Service provider Title III and Title VI coordination responsibilities), outline expectations for coordinating activities and delivery of services under Title III and Title VI, as articulated in the Act sections 306(a)(11)(B), 307(a)(21)(A), 614(a)(11), and 624(a)(3).</li> <li>• New § 1322.37 clarifies that Title VI and Title III coordination should extend to emergency and disaster preparedness planning and response.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 306(a)(11)(B), 307(a)(21)(A), 614(a)(11), 624(a)(3)</li> </ul>
<u>§ 1322.39 Modification during major disaster declaration or public health emergency.</u>	N/A	<ul style="list-style-type: none"> <li>• New § 1322.39 states that the ASA retains the right to modify emergency and disaster-related requirements set forth in the regulation under a MDD or PHE.</li> </ul>	



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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
See Part 1322–Grants to Indian Tribes and Native Hawaiian Grantees for Supportive Nutrition, and Caregiver Services.	Part 1323–Grants for Supportive and Nutritional Services to Older Hawaiian Natives.	<ul style="list-style-type: none"> <li>Removed part 1323, which was specific to Title VI, part B, which applied to one Hawaiian Native grantee. Requirements specific to Title VI, part B are included in the revised part 1322.</li> <li>Removed to reduce confusion and improve appropriate consistency in service provision to both older Indians and Native Hawaiians and family caregivers thereof.</li> </ul>	
<b>Part 1324</b>			<b>Title VII</b>
<b>Subpart A - State Long-Term Care Ombudsman Program</b>			
Overview of subpart	First issued in 2015.		
<u>§ 1324.1 Definitions.</u>	§ 1324.1 Definitions	<ul style="list-style-type: none"> <li>Added a new definition for “Official duties” to § 1324.1 for consistency with part 1321 of the regulation, which also contains this defined term. The definition of “Official duties” is included to clarify the role of representatives of the Office. Clarifications are made to address misunderstandings of the role expressed by third parties who deal with the Ombudsman program. Minor changes are made to the definition of “Resident representative.”</li> </ul>	<ul style="list-style-type: none"> <li>Reg text references: OAA 712, 711, 712(a)(5)</li> </ul>
<u>§ 1324.11 Establishment of the Office of the State Long-term Care Ombudsman.</u>	§ 1324.11 Establishment of the Office of the State Long-Term Care Ombudsman.	<ul style="list-style-type: none"> <li>Section 1324.11 sets forth requirements related to the establishment of the Office of the State LTCO (the Office). Minor changes are made to § 1324.11(a) and to the introductory clause of (b), as well as to (e), to clarify the purpose of the section.</li> <li>Added language to § 1324.11(e)(2) &amp; (e)(3)(iv) to require SUAs to have policies and procedures in place to provide direction for the Ombudsman and representatives of the Office as to how to address a situation where a resident is unable to communicate consent to the review of their records and they have no legal representative who can communicate consent for them, as well as situations where: the resident is unable to provide consent to disclose; there is no resident representative authorized to act on behalf of the resident; etc.</li> <li>To provide clarity, added language to § 1324.11(e)(3)(v) to require SUAs to have policies and procedures in place to prohibit mandatory reporting of abuse, neglect, and exploitation by the Ombudsman program. Subsequent subsections within § 1324.11(e)(3) have been re-numbered to reflect the new language.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 712(b), 712(d), 712, 712(f)(1)(C)(iii)</li> <li>Reg text references: OAA 712, 705(a)(6)(C)</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
		<ul style="list-style-type: none"> <li>Added language to the introductory portion of § 1324.11(e)(8) to clarify the interference prohibition (under section 712).</li> <li>*Added (e)(1)(vii) to require that policies and procedures regarding program administration include procedures that establish standard retention periods and allowable methods of storage/destruction.</li> </ul>	
<p><u>§ 1324.13 Functions and responsibilities of the State Long-Term Care Ombudsman.</u></p>	<p>§ 1324.13 Functions and responsibilities of the State Long-Term Care Ombudsman.</p>	<ul style="list-style-type: none"> <li>Section 712 of the Act sets forth the functions and roles of the Ombudsman and provides that the Ombudsman has the authority to make independent determinations in connection with these various functions. Section 1324.13 clarifies that the Ombudsman has the authority to lead and manage the Office.</li> <li>Updates § 1324.13(c)(2) to take into account previous sub-regulatory guidance and require training for certification and continuing education procedures to be based on and consistent with the standards established by ACL's Director of the Office of LTCOPs, and any standards set forth by the ASA.</li> <li>§ 1324.13(c)(2)(iii) and (d) require that all staff and volunteers of the Ombudsman program who will have access to resident records, as well as other files, records, and information subject to disclosure requirements, be trained and certified as designated representatives of the Office, so that individuals with access to confidential information will be accountable to the Ombudsman for their actions. The subsequent subsection in § 1324.13(c)(2) is re-numbered accordingly.</li> <li>Adds to § 1324.13(e)(2) criteria to assist the Ombudsman in making the determination whether to disclose the files, records, or other information of the Office.</li> <li>Adds language to § 1324.13(g) to clarify the distinction between reports required by section 712 and the National Ombudsman Reporting System (NORS).</li> <li>Revises § 1324.13(h)(1)(i), (ii), &amp; (h)(2) regarding memoranda of understanding. Elements of § 1324.13(h) have been re-numbered in connection with these changes.</li> <li>Minor changes to § 1324.13(a)(7)(vii), and (h) for clarity.</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 712, 201(d), 712(h), 306(a)(2)(C)</li> <li>Reg text references: OAA 712(a)(5), 201(d), 712(d), 712(h)(1), 306(a)(2)(C), 731</li> </ul>
<p><u>§ 1324.15 State agency responsibilities related to the Ombudsman program.</u></p>	<p>§ 1324.15 State agency responsibilities related to the Ombudsman program.</p>	<ul style="list-style-type: none"> <li>Section 712 of the Act sets forth SUA responsibilities for the Ombudsman program.</li> <li>Section 712(g) of the Act requires the SUA to ensure that adequate legal counsel is available with respect to the program, and § 1324.15(j)</li> </ul>	<ul style="list-style-type: none"> <li>Preamble references: OAA 712, 712(g), 712(a)(2)</li> <li>Reg text references: OAA 306(a)(2)(C), 712(h)(1)</li> </ul>

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2024 Final Rule Provision	1988 Regulatory Provision	Summary of Provisions and Revisions	2020 OAA Sections
		<p>explains those requirements. Minor changes are included to this section for clarity.</p> <ul style="list-style-type: none"> <li>• Modifies the provision for attorney-client privilege to specify that the privilege applies to communications between the Ombudsman and their legal counsel, not between the Ombudsman and counsel for the resident.</li> <li>• Revised § 1324.15(k) addresses specific components of fiscal management and codifies best practices. The section immediately following new § 1324.15(k) is re-numbered accordingly.</li> </ul>	
<p><u>§ 1324.17 Responsibilities of agencies hosting local Ombudsman entities.</u></p>	<p>§ 1324.17 Responsibilities of agencies hosting local Ombudsman entities.</p>	<ul style="list-style-type: none"> <li>• No changes to § 1324.17, which sets forth the responsibilities of agencies hosting local Ombudsman entities for the personnel management policies and procedures. This section prohibits host agencies from establishing policies and procedures that prohibit the representative of the Office from performing their duties as authorized by law.</li> </ul>	<ul style="list-style-type: none"> <li>• Reg text reference: OAA 712</li> </ul>
<p><u>§ 1324.19 Duties of the representatives of the Office.</u></p>	<p>§ 1324.19 Duties of the representatives of the Office.</p>	<ul style="list-style-type: none"> <li>• This section addresses the duties of the representatives of the Office and provides detailed instructions as to the processing of complaints by representatives of the Office. Minor revisions are made to § 1324.19(b)(2)(ii) and (5) for clarity.</li> </ul>	<ul style="list-style-type: none"> <li>• Reg text reference: OAA 712(d)</li> </ul>
<p><u>§ 1324.21 Conflicts of interest.</u></p>	<p>§ 1324.21 Conflicts of interest.</p>	<ul style="list-style-type: none"> <li>• Updates to section 1324.21 made for consistency with section 712(f) of the Act. Section 712(f) of the Act sets forth requirements related to individual and organizational COI, and § 1324.21 implements the statutory provision. COI provisions promote credibility and effectiveness of the Ombudsman program.</li> <li>• Section 1324.21(a) sets out as organizational conflicts the placement of an Ombudsman program in specified organizations.</li> <li>• Minor clarifying changes are made to § 1324.21(b)(3). The last sentence of § 1324.21(b)(5) is removed, which repeats language included in § 1324.21(b)(3).</li> <li>• Clarifies in § 1324.21(c) situations that create an individual COI, consistent with section 712(f)(1)(C) of the Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 712(f), 712(f)(1)(C), 712, 102</li> <li>• Reg text references: OAA 712(f), 712(a)(4)</li> </ul>
<p><b>Subpart B - Programs for Prevention of Elder Abuse, Neglect, and Exploitation</b></p>			
<p>Overview of new subpart</p>	<p>N/A</p>		
<p><u>§ 1324.201 State agency responsibilities for the</u></p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Title VII, chapter 3 of the Act sets forth requirements that SUAs must meet with respect to the development and enhancement of programs to</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 721(c)-(e), 721</li> </ul>

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<u>prevention of elder abuse, neglect, and exploitation.</u>		address elder abuse, neglect, and exploitation. New § 1324.201 clarifies that as a condition of receiving federal funds under this chapter SUAs must comply with all applicable provisions of the Act, including those of section 721(c), (d), (e), as well as with all other applicable federal requirements.	<ul style="list-style-type: none"> <li>• Reg text references: OAA 721(c)-(e)</li> </ul>
<b>Subpart C – State Legal Assistance Development</b>			
Overview of new subpart	N/A	<ul style="list-style-type: none"> <li>• *Title modified to mirror the title of section 731 of the Act.</li> </ul>	
<u>§ 1324.301 Definitions.</u>	N/A	<ul style="list-style-type: none"> <li>• New § 1324.301 states definitions set forth in § 1321.3 apply to subpart C, and terms used in subpart C but not otherwise defined will have the meanings ascribed to them in the Act.</li> </ul>	
<u>§ 1324.303 Legal Assistance Developer.</u>	N/A	<ul style="list-style-type: none"> <li>• Added § 1324.303 to implement section 731 of the Act regarding the position of LAD. The SUA designates the LAD and describes the office and its duties as well as activities in the state plan.</li> <li>• Sets forth the duties of the LAD, including training and technical assistance to legal assistance providers and coordination with the Ombudsman program. Includes COI prohibitions, including a prohibition against undertaking responsibilities that might compromise the performance of duties as LAD.</li> <li>• The LAD oversees advice, training, and technical assistance support for the provision of legal assistance provided by the SUA; coordinates with all legal assistance and representation for all priority areas described in the Act; and coordinates with the legal assistance resource center established pursuant to section 420 of the Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Preamble references: OAA 731, 420</li> <li>• Reg text references: OAA 731, 102(23)-(24), 102(33), 420(c), 321(a)(6)(B)(i), 307</li> </ul>