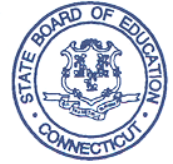




STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Child and Adult Care Food Program (CACFP) Adult Day Care Center Sponsors

FROM: Susan H. Boyle, Education Consultant *SHB*
Bureau of Health/Nutrition, Family Services and Adult Education

DATE: December 13, 2012

SUBJECT: Operational Memorandum #03A-13
Updated Guidance for the Adult Day Care Component of the Child and Adult Care Food Program (CACFP)

The adult component of the Child and Adult Care Food Program (CACFP) was authorized by The Older Americans Act Amendments of 1987 and codified in 7 CFR §226.19a. Previous guidance relating to adult day care was issued by the U.S. Department of Agriculture (USDA) immediately following the addition of the adult day care component to CACFP by Congress, and has since been incorporated into the CACFP regulations. This current guidance supersedes that which was previously issued by USDA in 1989, and is intended to update, clarify, and condense previous guidance addressing the following areas: purpose of the program; participant eligibility; plans of care; center eligibility; and center licensing/approval.

Note: The following guidance is intended only for the purpose of administering the adult day care component of CACFP for those centers eligible to participate.

Purpose of the Program

Adult day care centers are considered eligible institutions for reimbursement for meals served to persons 60 years of age or older or to functionally impaired persons in a nonresidential group setting (42 USC 1766(o)(1)).

The purpose of the adult day care component of CACFP is to provide nutritional support to enable elderly and functionally impaired adults to remain in the community and avoid premature institutionalization. In previous guidance, USDA indicated that eligible individuals are those who (1) remain in the community and (2) reside with family members or other caregivers who would benefit from the respite which adult day care services could provide. However, it is clear that many frail, elderly adults, as well as functionally impaired adults, live in the community on their own. Therefore, **the definition of “individuals remaining in the community” has been revised to mean those individuals who reside either in their own home or in the home of a family member, guardian, or other caregiver. This memorandum is intended to clarify that CACFP benefits are not limited to those individuals who are living with caregivers, but also extends to eligible individuals who are able to live on their own in the community with the support of adult day care services.**

Participant Eligibility

The CACFP regulations define an adult participant as “...a person enrolled in an adult day care center who is functionally impaired or 60 years of age or older” (7 CFR §226.2(c)). Additionally, the CACFP regulations define functionally impaired adults as “...chronically impaired disabled persons 18 years of age or older, including victims of Alzheimer’s disease and related disorders with neurological and organic brain dysfunction, who are physically or mentally impaired to the extent that their capacity for independence and their ability to carry out activities of daily living is markedly limited” (7 CFR §226.2(c)).

An **“enrolled eligible participant”** is an individual who is enrolled in an adult day care center for the purpose of receiving adult day care services. Any enrolled individual eligible for CACFP benefits (e.g., functionally impaired or 60 years of age or older) must be included in all enrollment counts for the purposes of determining CACFP eligibility and receipt of Program reimbursement.

“Drop-in” adults who eat meals at a center but are not enrolled to receive care at the center are not eligible. Meals served to center volunteers, regardless of age, who help with the meal service or other center activities are not eligible for reimbursement unless they are actually enrolled at the center and meet CACFP eligibility requirements.

Additionally, because the Program is intended to benefit adults living in the community, **enrolled participants who reside in a residential facility are not eligible for participation.** However, residential facilities may serve meals to eligible enrolled adults that live in the community and attend the facility for day care. **Individuals residing in an institution on a temporary basis for respite care, crisis intervention, or other reasons are not eligible for CACFP benefits until they have returned to their permanent residence in the community.** Refer also to the section below titled “Center Eligibility” for additional guidance.

Plans of Care

Adult day care centers are required to provide an individual plan of care for each enrolled functionally impaired participant. Such a plan must demonstrate a center’s ability to provide a variety of health, social, and supportive services for its enrolled participants (7 CFR §226.19(a)(2)). For CACFP purposes, participating centers do not need an individual plan of care for participating adults 60 years of age or older who are not functionally impaired.

Center Eligibility

Adult day care centers are considered eligible institutions for reimbursement for meals served to persons 60 years of age or older or to functionally impaired persons in a **nonresidential group setting** (42 USC 1766(o)(1)). For purposes of determining CACFP eligibility, it is sufficient that such a center cares for elderly or functionally impaired adults. It is not necessary that the majority of the clients receiving care in the center be functionally impaired.

The purpose of the adult day care component of CACFP, as stated by Congress in the Conference Report (H. Rept. 100-427) on the Older American Act Amendments of 1987, is to “assist its participants to remain in the community, enabling families and other caregivers to continue caring for an impaired individual at home.” It is clear that Congress intended CACFP benefits to be available to serve individuals attending adult day care while remaining in the community. Therefore, **facilities which provide residential care are not eligible to participate in CACFP with respect to those residential clients. This would include, but is not limited to, hospitals, nursing homes, residential facilities for the mentally ill or physically handicapped, convalescent homes, apartment complexes designed only for the functionally impaired that provide meals and full-time care, and hospice programs.**

Additionally, sheltered workshops, vocational or substance abuse rehabilitation centers, social centers or other types of centers do not qualify as adult day care centers for purposes of CACFP participation, since they are not operated primarily to provide day care to elderly and disabled adults in order to avoid premature institutionalization.

Licensing/Approval

In order to participate in CACFP, adult day care centers also must be licensed or approved by Federal, State, or local authorities to provide adult day care services (42 USC §1766(o)(2)(ii)). Tribal authorities are considered local authorities for purposes of licensing or approval. “Approval” is granted by a State or local authority when an adult day care center meets written standards or criteria which assure that the

individuals are receiving care in a center which has been determined by authorized State or local officials to provide a safe and healthful environment; therefore, "approval" might vary from State to State.

Operation of a center by a State, Tribal, or local government is tantamount to "approval." However, the center must be operated and funded by the State, Tribal, or local government. This may be confirmed by a written assurance by a State, Tribal, or local official.

Generally, the simple presence of public funding in an adult day care center does not constitute "approval." Receipt of State or Federal funds may constitute "approval" only when standards are established to ensure a safe and healthy environment for participants and funding authorities determine that, in order to receive the funds, these standards must be met. Receipt of Medicaid funds by an adult day care center meets these requirements and constitutes State approval for purposes of CACFP participation.

Those centers receiving public funding are required to implement a financial management system which can show that other public funding is not being used to support CACFP meals. Additionally, adult day care centers purchasing meals from other than clearly commercial vendors must make a determination that the meals they are receiving are not supported by other public funds. USDA encourages such centers to preserve other public funding for services they administer outside the meal service and not allow such funding to interfere with the integrity of their CACFP claims.

For questions about this information, please contact Susan Boyle at 860-807-2074, Celia Cordero at 860-807 2076 or Benedict Onye at 860-807-2080.

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