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BUREAU OF HEALTH AND NUTRITION SERVICES AND
CHILD/FAMILY/SCHOOL PARTNERSHIPS
BUREAU OF HEALTH/NUTRITION, FAMILY SERVICES AND ADULT EDUCATION
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NOTE: Obsolete information on this memo is indicated by strikethrough text, e.g., ~~text~~. Revised/new text is highlighted in orange.

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

FROM: ~~Maureen B. Staggenborg, Director~~
Child Nutrition Programs

DATE: November 1, 2004

SUBJECT: Operational Memorandum No. 06A-05
Adult Day Care Eligibility Issues in the Child and Adult Care Food Program (CACFP)

This memorandum addresses recent clarification received from the U.S. Department of Agriculture (USDA) concerning the CACFP eligibility of adult day center participants who reside in a continuing care retirement community.

Clarification was requested as to whether the residents of the cottages and apartments as described below are considered to be “remaining in the community,” and by virtue of their group living arrangements, are eligible to be claimed for CACFP meals if they attend the Adult Day Center. Or, are these individuals considered to be residents of an “institution” and therefore, are not eligible for CACFP benefits?

Issue: The continuing care retirement community consists of the following four care areas located on the same parcel of property owned by the parent company:

- (1) Adult Day Center (which is currently participating in CACFP);
- (2) Independent living cottages;
- (3) Independent living apartments; and
- (4) Nursing home.

Question: Would any of the residents in the cottages or apartments (numbers 2 and 3 above) be eligible for CACFP meals if they attended the Adult Day Center?

Background:

The **cottages** are free-standing units located on the entity’s property. The residents of the cottages pay rent and are responsible for their own care. They pay for their Adult Day Center services or are covered by CCCI. (Connecticut Community Care, Inc., is a statewide, private nonprofit organization dedicated to assisting older adults and the disabled remain independent in their homes through a service known as “care management.”) There are kitchens in the cottages, and the residents shop and do their own cooking. They are responsible for cleaning and upkeep, although the parent company handles the groundskeeping. There are no built-in services for

them except for van transportation for shopping trips and medical appointments. If they wish to purchase services they may do so, like anyone else in the community. If they require a monthly nursing visit, they can hire an agency on their own; they do not necessarily have to use the entity's Home Health Agency. Those residents who wish to, do remain very active in the community at large, e.g., church, shopping, dinner outings, visiting friends, etc. If emergency medical help is needed, and the front desk is contacted, residents are urged to contact their own physicians or call 911. The entity does not maintain medical charts on cottagers; medical care is not provided unless requested and purchased.

The **apartments** are contained within an apartment building and are connected by long hallways. This is not an assisted living facility. There is a communal dining room and residents may eat there, provided they have purchased the meal plan. Since each apartment has a kitchen with a stove and refrigerator, many of the residents choose to cook their own meals. Those who live in the apartments are responsible for themselves, but they can also purchase services as needed. There is some light housekeeping included with their rent, but if needed they can hire a homemaker from an agency (although not necessarily the entity's Home Health Agency). They can also utilize the van service for medical appointments and shopping as the cottagers do, which is included in their monthly rent. Assisted living services such as regular medicine pours, home health aide services for personal care and bathing, homemakers, etc. are available to those in the apartments, but must be purchased. Many of the individuals who live in the apartments purchase only Adult Day Care services; other residents have purchased additional home health services. There is not a nurse in charge of the building. If there is an emergency, residents either call 911, or the main desk, where someone will assist them to call 911. Many residents have life call systems, where they press a button and help arrives at their door. These individuals maintain community involvement with the area at large as well; in fact, many still drive.

CACFP Requirements:

For purposes of CACFP eligibility, adults must be considered to be "remaining in the community," which is defined as individuals residing in their own homes (whether alone or with spouses, children or guardians) or in group living arrangements.

"Group living arrangements" means "residential communities which may be subsidized by federal, state or local funds, but which are private residences housing an individual or group of individuals who are primarily responsible for their own care and who maintain a presence in the community, but who may receive on-site monitoring."

Group living arrangements **exclude** residential institutions because the residents of such institutions no longer "remain in the community" or reside with family members or other care givers who would benefit from the respite that adult day care services provide. An "institution" is considered to be an "establishment which provides residential care and is responsible for its residents for a 24-hour period, including the responsibility for providing meals."

USDA's Response:

Based on the information provided above, the adults who reside in the cottages and/or apartments are eligible for CACFP meals if they attend eligible CACFP adult day care centers **and** meet the definition of "adult participant." These adults are considered to be living and remaining in the community in a group setting, and have basic control of their daily living activities. The mere fact that they live in a group setting has no bearing on their eligibility for

purposes of CACFP. These are the type of adults that Congress envisioned as participants in CACFP. **However, those adults who reside in nursing homes are not eligible to receive CACFP meals.** Nursing home residents are considered to be institutionalized (*not* “remaining in the community”), and their families have no need for the respite provided by adult day care centers.

In addition, it should be noted that adult day care centers cannot receive Title IIIc and CACFP funding for the same meals. Procedures must be in place to ensure that meals served to CACFP participants are not also funded under Title IIIc. Additional guidance concerning Adult Day Care Eligibility Requirements may be found on the Connecticut State Department of Education’s Web site at:

www.state.ct.us/sde/deps/nutrition/CACFP/ADCdetails.html

<http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=321572>

Please contact Susan Boyle at (860) 807-2074, Celia Cordero at (860) 807-2076 or Benedict Onye at 860-807-2080 if you have any questions.

MBS:shb