

Testimony of Paul Chase
Associate State Director for Public Policy, AARP
State Plan for State Fiscal Years 2011-2014
June 29, 2010

1. I am dismayed that AARP never received formal notice, only hearing about this yesterday afternoon through the grapevine.
2. And that those who were notified of the hearing apparently only found out yesterday, slightly more than 24 hours ago.
3. I am also concerned that formal notice of the hearing was not even posted (to the website) until almost 6:00 PM yesterday.
4. This appears to be a public meeting, such that the Division must comply with the Open Door Law. After all, the Division has issued a "Public Notice" indicating that a public hearing and comment period for the draft State Plan would take place today.
5. If so, IC 5-14-1.5-5 requires that public notice be given at least 48 hours before the meeting (including providing electronic access through the computer gateway administered by the Office of Technology).
6. Additionally, in addressing State Agency responsibilities regarding public participation in developing the state plan, the Code of Federal Regulations, 45 CFR 1321.27 states: "The State agency shall have a mechanism to obtain and shall consider the views of older persons and the public in developing and administering the State plan."

13. Nor has the CHOICE Board for that matter, despite the fact that at its March 18th, 2010 meeting, Jade Luchauer suggested that the Board would be helping to set goals for the 4-year plan, stating that she would bring goals and objectives for the plan to the next meeting of the Board. This has never happened.
14. Accordingly, we hereby request a “true” public hearing, once we have a complete draft for review, with sufficient notice so that we can meaningfully comment on the draft.
15. According to 45 CRF 1321.21, the plan must be submitted for approval at least 45 calendar days before the proposed effective date of the plan or plan amendment. Assuming the effective date is October 1st, 2010, the start of the new federal fiscal year, there is ample time to provide adequate notice to ensure all stakeholders have an opportunity to comment on a state plan that will provide strategic guidance for the development and delivery of a full range of long-term care services through 2014.





THE GENERATIONS PROJECT
www.generationsproject.org

Comments Regarding the Process for Developing a State Plan on Aging

By John Cardwell, Director
The Generation Project

June 29, 2010

Comments Regarding the Process for Developing a State Plan on Aging

On behalf of The Generations Project, I am submitting the following brief comments regarding the process used by the Indiana Division of Aging to develop a state plan on aging for submission to the Administration on Aging.

Historically, state plans on aging have been completed after public review and comment to fulfill the federal requirement for states to submit to the Administration on Aging a four year state plan. In practice, the development of the state plan has been used as a real planning process involving scores, and in many cases, hundreds of citizens across the state. These people have typically included the leaders of senior citizen and advocacy organizations, area agencies on aging, and a variety of long term care providers.

By using the development of the state plan on aging in this manner past administration have benefitted from the information presented and the dialogue that has been engaged to create a state plan. The process has allowed state officials to better understand the constituencies served by the Division of Aging and Indiana Family and Social Services Administration. The process has provided state officials with the opportunity to understand the differences and commonalities among people and interests in the application and development of public policies and programs that affect senior citizens, persons with disabilities as a whole, and their families.

The process has given state officials insights into the financial dynamics that profoundly affect state aging programs, the needs of consumers who must use publicly and privately financed aging and related disability services, and the needs of providers.

The process is also important because of the self-education that state officials receive when they go through the detailed steps of properly developing a state plan on aging. The education process can include staff members for the Division of Aging, the Office of Medicaid Policy and Planning, FSSA senior staff, and the members of the Commission on Aging and the CHOICE board. The process, if done in depth and with care, preps state staff and the members of the Commission on Aging and CHOICE board to be better at performing their duties and in communicating with the general public and the state legislature.

Unfortunately, the detailed and open process that should have occurred has not happened. A state plan was developed but until today its contents were a secret. Citizens have been asked to testify on a plan they have not seen. In a democratic society based on representative government this is unacceptable.

I will not comment today on the legality of what has happened. I will simply say the process must be started over and done right. The letter and the intent of federal and state law should be followed. Importantly, the use of the state plan process to provide an inclusive and learning environment that can

produce consensus on most issues of policy, and which can help us find solutions where disagreements persist, has been cast aside.

Consequently, I am asking the Division of Aging to do three things.

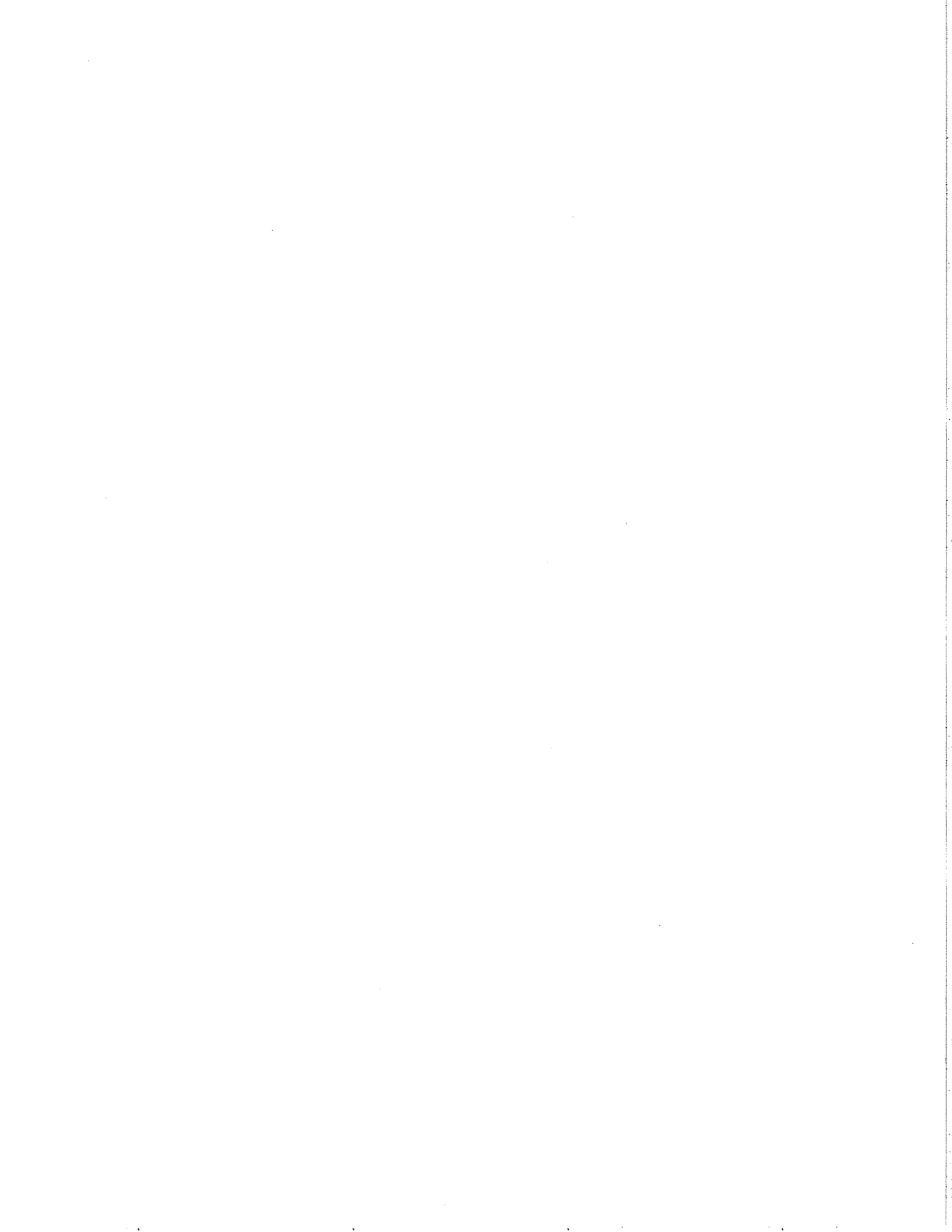
One, admit to the Administration on Aging that the ball has been dropped and ask for the maximum amount of time between now and the start of the new federal fiscal year on October 1, 2010 to get the process done right.

Two, declare the state plan on aging process to be completed after the contents of the plan have been thoroughly reviewed, ideas have been taken from the public and debated, and the plan has been vetted with the public through hearings and other processes involving the CHOICE board.

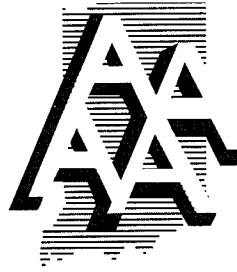
Three, develop the plan in the context of federal statutory and regulatory requirements and the Indiana laws that are consistent with those requirements, such as SEA 493 of 2003 and the policy review process established by the CHOICE statute.

If these things are done The Generations Project, and it is anticipated the member organizations of the Indiana Home Care Task Force, will express support for these actions with the Administration on Aging.

Thank you.



Indiana Association of Area Agencies on Aging
"For Hoosiers of All Ages and Abilities . . . There's No Place Like Home"



June 29, 2010

Ms. Faith Laird
Director, Division of Aging
Indiana Family and Social Services Administration
402 West Washington Street
Room W454
Indianapolis, IN 46204

Dear Director Laird:

On behalf of the network of Indiana's sixteen Area Agencies on Aging, and of other industry partners with an interest in the State Plan, the Indiana Association of Area Agencies on Aging (I4A) respectfully submits the following comments on the State Plan that is required of state units on aging that receive Older Americans Act funds from the federal Administration on Aging.

It is important first to document the lack of notice provided to Area Agencies, the public and other industry partners regarding this public hearing, and lack of opportunity to review available state plan documents. I4A and the AAAs were first notified of the today's 3:00 p.m. hearing at approximately 10:30 a.m., Monday, June 28, 2010. The notice indicated that plan documents would be available on the Division of Aging's website for review. However, no document was available for review on the website as of close of business June 28. I4A and the AAAs received a draft copy of the plan from the Division of Aging via email at about 6:15 p.m., June 28. However, the draft version failed to include several important, required attachments. We do note that a revised version of the plan is now available on the Division's website.

On review of the Program Instructions for the State Plan provided by the Administration on Aging, the Administration's intent regarding the State Plan is clear. The State Plan is not only to be an exercise in report writing, but documentation of the culmination of an in-depth, meaningful strategic planning process conducted with the intentional inclusion of AAAs, older adults, people with disabilities, and other industry partners. Other than AAA submission of area plans, I4A is unaware of the process through which the Division of Aging has conducted strategic planning efforts that meet this intent. It is the I4A's recommendation that documentation of the strategic planning process used by the Division of Aging be shared publically and documented within the State Plan itself.

The Program Instructions also require specific attachments, including a description and outcome of the Intrastate Funding Formula, State Plan Assurances, and Provisions and Information Requirements. As of close of business June 28, none of these attachments were available for review. I4A notes that the plan posted on the Division's web site does include these attachments.

Ms. Faith Laird
June 29, 2010
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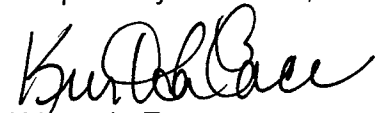
In particular, while the Division has signed the State Plan Assurances required by the Administration on Aging's program instructions, many of the requirements of the assurances seem to be missing from the Plan itself, including a description of the specific methods and processes the State is employing or will employ to meet the assurances. Many of these assurances relate to specific sub-populations of the elderly, including individuals with a variety of special needs.

Finally, I4A finds that the proposed Goals, Strategies and Performance Measures suggested by the Division of Aging do not meet the Administration on Aging's intent to reflect the measurable increase or decrease in service levels as experienced by older adults and people with disabilities in Indiana. Rather, suggested outcomes and performance measures for the most part appear to reflect the completion of process outputs. It is unclear to I4A what measurable change in conditions the Division of Aging actually anticipates achieving on behalf of Hoosiers they are charged with serving.

We do thank Division of Aging staff for working with I4A in extending the comment period for the plan and look forward to submitting additional comments within the time frame proposed by the Division of Aging.

At the same time, we strongly encourage a review and revision of the entire strategic planning process that led to the current proposed plan. We believe that by intentionally and meaningfully engaging AAAs, older adults, people with disabilities and other industry partners, we can together submit to the Administration on Aging a State Plan that will truly have positive and future-reaching impact for Indiana residents that benefit from local, state and federally funded aging and disability services.

Respectfully submitted,



Kristen LaEace
CEO, Indiana Association of Area Agencies on Aging