



Georgia Department of Early Care and Learning

## **BRIGHT FROM THE START: Georgia Department of Early Care and Learning**

### **Nutrition Services**

<b>POLICY</b>	<b>No.: CACFP/07-33</b>	<b>Effective Date:</b> 2/14/2007
		<b>Revised:</b> 10/1/2015
		<b>Revision Effective:</b> 10/01/2015

**SUBJECT:** Eligibility Requirements for Adult Daycare Centers

**LEGAL AUTHORITY:** 7 CFR §226(e) and §226.19a (b)(1); O.C.G.A. § 20-1A-4(3); USDA FNS SERO Memoranda 226.19a-03, 226.19a-05, 226.19a-07, 226.19a-08 dated July 22, 1998; USDA Policy Memorandum CACFP 21-2012; Department of Community Health Rules and Regulations for Adult Day Care Centers Section 111-8-1

*Cross Reference/See Also:* DECAL Policy Memorandum, "Notification of New Licensing Requirements for Adult Care Centers," (October 1, 2015)

#### **I. PURPOSE**

This policy serves to provide guidance and clarification regarding the eligibility of adult day care centers in the Child and Adult Care Food Program.

#### **II. APPLIES TO**

This policy applies to all adult day care centers and sponsoring organizations of adult day care centers participating in the CACFP.

#### **III. DEFINITION(S)**

"Adult Day Care Center" means any public or private nonprofit organization or any for-profit center that (a) is licensed or approved by Federal, State or local authorities to provide nonresidential adult day care services to functionally impaired adults (as defined in this section) or persons 60 years of age or older in a group setting outside their homes or a group living arrangement on a less than 24-hour basis and (b) provides for such care and services directly or under arrangements made by the agency or organization whereby the agency or organization maintains professional management responsibility for all such services. Such centers shall provide a structured, comprehensive program that provides a variety of health, social and related

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support services to enrolled adult participants through an individual plan of care.

"Adult day care facility" means a licensed or approved adult day care center under the auspices of a sponsoring organization.

"Adult participant" means a person enrolled in an adult day care center who is functionally impaired or 60 years of age or older.

"Group living arrangements" means residential communities which may or may not be subsidized by Federal, State or local funds but which are private residences housing an individual or a group of individuals who are primarily responsible for their own care regardless of whether the facility offers meals or not and who maintain a presence in the community but who may receive on-site monitoring.

"Functionally impaired adults" means 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. Activities of daily living include, but are not limited to, adaptive activities such as cleaning, shopping, cooking, taking public transportation, maintaining a residence, caring appropriately for one's grooming or hygiene, using telephones and directories, or using a post office. Marked limitations refer to the severity of impairment, and not the number of limited activities, and occur when the degree of limitation is such as to seriously interfere with the ability to function independently.

"Plan of Care" means a plan especially designed for the impaired adult, based on individual strengths and needs. The adult day care center may develop the plan with input from the participant's family. The plan establishes goals and details appropriate treatment and services to meet the special needs of the participant.

## IV. POLICY

### A. Program Eligibility

All adult day care centers that qualify to participate in the CACFP must be organized to provide day care for functionally impaired adults. A specific ratio of functionally impaired adults to non-impaired adults does not have to be present in order for a center to qualify.

In order to qualify for the CACFP, adult day care centers must:

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1. Be licensed or approved to operate by the Georgia Department of Community Health. The following are exempt from licensing:
  - Individuals or organizations operating an adult day care center without receiving compensation as a condition of the participant's receiving such services;
  - Individuals or organizations that provide services for compensation to only on (1) or two (2) participants;
  - Programs which provide day habilitation and treatment services exclusively for developmentally disabled persons;
  - Respite care services programs, provided the program meets all parts of the definition for a respite care service program as outlined in 111-8-1-.04(hh) of the Rules and Regulations; and
  - Individuals or organizations solely funded by the Georgia Department of Behavioral Health.
2. Serve chronically impaired disabled persons 18 years of age or older, or individuals 60 years of age or older;
3. Provide a community-based group program;
4. Provide non-residential services. Centers that provide residential care are not eligible to participate in the CACFP with respect to those clients. However, centers that operate residential programs, but also provide nonresidential adult day care services may be eligible for participation with regard to the non-residential participants.
5. Provide a structured, comprehensive program in a regular daily schedule of group and individual activities. Activities should include health, social, and related support services and should vary to accommodate the needs of the participants and their individual plans of care.

## B. Ineligible Programs

Any center or facility that is not licensed or approved to operate by the Georgia Department of Community Health and does not provide a comprehensive care program does not qualify under the CACFP. For example, centers that hold sheltered workshops, vocational, or pre-vocational training where the individual simply comes to participate in this program alone does not qualify. Therefore, adults being solely trained for employment do not meet the regulatory definition of an adult day care center and would not be eligible to participate in the CACFP. However, when comprehensive services are provided and vocational training is one part of the services offered, the center may qualify. Substance abuse rehabilitation centers, social centers, and residential facilities also do not qualify.

## C. Individual Plans of Care

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The institution must develop and maintain an individual plan of care for every functionally impaired participant. The plan of care is designed to maintain the participant at his or her current level or restore the participant to a level of self-care. (A plan of care is not required for non-impaired enrollees 60 years of age or over).

The plan must be written and should contain at a minimum:

1. An assessment of the functionally impaired individual's strengths and needs based on information obtained from the participant and/or his/her family members, a health profile, mental and emotional status, daily living skills, support services available to the individual, possible need for services from other service providers, and a current medical examination.
2. A written individual plan of care for each functionally impaired CACFP enrolled participant, based on the assessment discussed above which specifies the goals and objectives of the planned care, the activities to achieve those goals and objectives, recommendations for therapy, referrals to and follow-up with other service providers as needed, and provisions for periodic review and renewal.

## D. Licensure

Federal Regulations require adult day care centers to be licensed or approved by Federal, State, or local authorities. Based upon the State requirements for adult day care centers for Georgia, only those institutions that have been licensed and/or approved to operate by the Georgia Department of Community Health are eligible to participate.

Centers receiving funds under the Medicaid Program (Grants to States for Medical Assistance) whether "regular" Medicaid or Medicaid "waiver" facilities, for which the State has reviewed the center for compliance are indicative of State approval and, therefore, is eligible to participate in the CACFP. The center must submit written documentation of this approval.

Centers that are operated by the State government are considered approved by the State are eligible to participate (e.g., Georgia Department of Behavioral Health). The center must be operated by the State and operated by State employees. A written assurance by a State official that the center is a State facility may be required when the determination of such operation is not clear. Please contact the Georgia Department of Community Health Office of Healthcare Facility Regulation to determine which state agencies qualify.

## E. For-profit and Non-profit Centers

During the calendar month preceding initial application or reapplication, the for-profit center

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must receive compensation from amounts granted to the States under Title XIX or Title XX and 25% of the adults enrolled must be receiving these benefits. The enrolled participant may be receiving one benefit or the other or a combination of Titles XIX and Title XX of the Social Security Act. In order to claim reimbursement, the center must meet this criterion for each month that the center receives reimbursement.

Nonprofit centers must be public (government) facilities or have tax-exempt status under the Internal Revenue Code of 1986.

## E. Participant Eligibility

A primary purpose of adult day care is to serve individuals (functionally impaired or 60 years old or older) who remain in the community and reside with family members or other caregivers who would benefit from the respite that adult care services provide.

Participant eligibility at each center must be determined on an individual basis, but each center must maintain records that demonstrate that each enrolled person under the age of 60 has an individual plan of care and meets the functional impairment eligibility requirements as defined in Section III of this policy. Adults must also be enrolled or registered for care at the center, but whether the adult attends full or part time, temporarily, regularly or sporadically is not a factor. Drop-in adults who eat meals at the center but are not currently enrolled to receive care at the center are not enrolled for CACFP purposes and therefore are not eligible. Center volunteers, regardless of age, who help with the meal service or the center activities cannot be considered enrolled for purposes of reimbursement, unless they are actually enrolled at the adult care center with an individual plan of care, and meet the participant eligibility requirements.

## F. Living Arrangements

Adult Care Centers must maintain records, which document that qualified adult day care participants reside in their own homes, family members home or in group living arrangements.

Individuals residing in facilities/group living arrangements that meet the following criteria are eligible to participate in the CACFP:

- Participants not in constant care for 24 hours per day;
- Participants who can come and go on their own; and
- Participants primarily responsible for themselves.

The following is a list of authorized "home-like" facility/group living arrangements

- Assisted living facilities
- Mental health organizations' satellite apartments

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- Boarding homes
- Group homes for developmentally disabled individuals

Individuals residing in an institution that is responsible for its residents for a 24-hour period including the responsibility of providing meals are not eligible to participate in the CACFP. Even though an institution may send its residents to an adult day care center during the day, the institution remains responsible for that resident during this period.

The following facilities/institutions are not eligible to participate on the CACFP:

- Hospitals
- Crisis stabilization units
- Nursing homes
- Mental hospitals
- Hospice
- Detox units
- 24-hour facilities for the developmentally disabled
- Apartment complexes designed for the functionally impaired that provide meals and full time care where the individual is not primarily responsible for their own care
- In-patient mental health facilities

In certain situations, centers that provide overnight care on an occasional basis may be eligible to participate in the CACFP if the primary purpose of the center is to provide non-residential care.

Organizations with multiple program types and that enroll adults with various living arrangements must have a process in place to determine those adults that are eligible and those adults that are not eligible. Participants who are not eligible for CACFP benefits should not be counted as CACFP enrolled. These ineligible participants cannot be counted as enrolled participants for determining eligibility for a for-profit center.

## V. PROCEDURE(S)

Applying to the CACFP

Any adult care center applying to the CACFP must submit an application along with a copy of the current licensing or approval to operate documentation from the Georgia Department of Community Health. Institutions may be asked to submit additional approval documentation upon request.

Centers that are funded by the Medicaid Program and reviewed by the State for compliance are considered State approved and must submit written documentation demonstrating this approval.

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Likewise, centers funded by the State and operated by State employees are considered State approved and must be prepared to submit documentation assuring that the institution is a state facility upon request.

## Recordkeeping

Along with other required CACFP records, as prescribed in DECAL's recordkeeping policy CACFP 02-18, adult day care centers must maintain the following documentation specific to adult centers:

- Enrollment information including income eligibility statements and Title XIX or Title XX beneficiary;
- Records indicating the age of enrolled individuals;
- Records indicating each enrolled individual under the age 60 meets the functional impairment eligibility criteria;
- Records confirming participants reside in their own home or group living arrangements;
- Individual plans of care for functionally impaired adults; and
- Plan or policy that distinguishes adults that are CACFP eligible and adults that are not.

## VI. COMMENT(S)

Any questions concerning this policy should be directed to the Policy Administrator at (404) 651-8193.

Amended: October 1, 2015