



## **Take Action on OAA Regulations** *Talking Points for Your Letter to ACL*

August 4, 2023

It is crunch time as ACL's deadline for responses to its proposed updates to Older Americans Act (OAA) regulations is fast approaching on **August 15th**. The USAging Policy team is developing a lengthy response letter to ACL and we encourage all AAAs to submit their own letters to amplify our shared messages, especially on a few key areas of concern or opportunity.

To help make your task easier, we have developed background information and talking points on three key issues in the proposed rule. Borrow from this resource as you see fit and be sure to customize your letter with your specific concerns and situations. Please note that while USAging will be commenting on issues beyond this list, limited time dictates that this *Advocacy Alert* focus on the most pressing areas where we most want to draw AAA comments. If you have concerns about other sections of the proposed regulation and want USAging's take, please reach out to us at [policy@usaging.org](mailto:policy@usaging.org).

The prioritized sections of ACL's proposed regulations are **Contracting and Commercial Relationships; Legal Assistance and Guardianship; and Nutrition Services**. Of those topics, Contracting and Commercial Relationships will be the longest section of USAging's response as this section is of greatest concern to us and the Aging Network's ability to continue to contract with health care and other commercial partners without undue state overreach.

Thank you in advance for taking action and sharing your agency's perspective with ACL. Here is where to find the proposed rule and details on how to submit your comments to ACL:

- [OAA Proposed Regulations](#)
- Comments can be submitted online at [Regulations.gov](#). (Enter "2023-12829" in the search bar, select ACL's proposed rule and then click the blue "comment" box at the top left of the page.) **Comments must be received by 11:59 PM ET on Tuesday, August 15.**

## **Contracting and Commercial Relationships**

Section 1321.9(c)(2)(xiv) (pages 39615-39616 of [proposed rule](#))

This section is of greatest concern to USAging. These concerns have also been mirrored in conversations with AAAs and in your responses to our survey. Our talking points span a range of issues, including overreach of state authority and reasonable approval processes.

**[READ OUR TALKING POINTS ON CONTRACTING.](#)**

## **Legal Assistance and Guardianship**

Section 1321.93 (pages 39586–39588 of ACL’s [background text](#) and pages 39628–39631 of the [proposed rule](#))

USAging is generally supportive of this section of the proposed regulations on legal assistance, but we have concerns specifically related to guardianship and ACL’s take on preventing conflict of interest (COI) when a state or AAA operates multiple programs, such as Adult Protective Services or guardianship programs, in addition to maintaining their OAA roles such as legal assistance provision or the Long-Term Care Ombudsman Program. In our response, we will note that such concerns can be mitigated with appropriate COI policies and firewalls—and that AAAs already work diligently to prevent real or perceived COI.

**[READ OUR TALKING POINTS ON LEGAL ASSISTANCE AND GUARDIANSHIP.](#)**

## **Nutrition Services**

Section 1321.87 (page 39591 of ACL’s [background text](#) and page 39627 of the [proposed rule](#))

This is the most groundbreaking section of the rule as it includes several flexibilities for states and AAAs that are welcomed by USAging and the vast majority of AAAs that responded to our survey. AAAs should show appreciation for ACL’s responsiveness to what the field has been telling them since even before the pandemic: you need more flexibility to meet the nutrition and social needs of older adults. We encourage AAAs to thank ACL for finding a way to expand the regulations to include the latest, most innovative options for service delivery.

**[READ OUR TALKING POINTS ON NUTRITION SERVICES.](#)**

Thank you for taking action on these critically important regulations by August 15! **Questions or comments?** Contact the USAging Policy Team, Amy, Olivia and Seth at [policy@usaging.org](mailto:policy@usaging.org).