

Certification of Maintenance of Effort

CERTIFICATION OF STATE RESOURCES EXPENDED, UNDER TITLE III OF THE
OLDER AMERICANS ACT OF 1965, AS AMENDED, TO MEET THE REQUIRED
LEVEL OF MAINTENANCE OF EFFORT DURING FISCAL YEAR _____

STATE: _____

I, the undersigned, certify that the State resources expended to
meet the maintenance of effort requirement set forth by Title
III of the Older Americans Act, under the approved State plan,
for the period of October 1, _____ through September 30, _____
were \$_____.

This amount is (check one):

- Less than the required level of maintenance of effort
- Equal to the required level of maintenance of effort
- More than the required level of maintenance of effort

Signature of Authorized State Official

Date

Certification of Long-Term Care Ombudsman Program Expenditures

State Agency Expenditures: In accordance with Sections 307(a)(9) and 705(a)(4) of the Older Americans Act (OAA), I certify that for Fiscal Year _____ the State of _____ expended on its statewide Long-Term Care Ombudsman Program not less than an amount expended by the State agency with funds received under Title III for Fiscal Year 2000 and that VII expenditures supplemented and did not supplant any Federal, State or local funds expended by the State or unit of general purpose local government to provide ombudsman services.

Area Agency Expenditures: I further certify that, in compliance with Section 306(a)(9) of the OAA, each area agency on aging in the State which expended Title III funds received under Section 304 (d)(1)(B) of the Act on ombudsman activities in FY 2000 expended at least this amount on the Ombudsman Program, as defined in Section 712 of the OAA, during the past fiscal year and that these expenditures supplemented and did not supplant any Federal, State or local funds expended by the State or unit of general purpose local government to provide ombudsman services.
(See reverse for OAA requirements.)

Signature of authorized State official Date

For reference, the following are the expenditures from various sources which your state reported to us for FY Year 2000 on your annual state ombudsman report under the National Ombudsman Reporting System (NORS).

Source	Base Year (FY 2000)
Title VII, Chapter 2, Ombudsman	*
Title VII, Chapter 3, Abuse Prev.	
Title III, expended by State, as authorized in OAA, Sec.304(d)(1)(B)	
Title III provided at AAA level	
Other Federal	
State funds	
Local (Does not include "in kind.")	
	TOTAL _____

**** Important Note: A state must expend its full annual allocation of Title VII-Chapter 2 Ombudsman funds on the Ombudsman Program, as the program is defined in Section 712 of the Older Americans Act. The FY 2000 figure is for reference only.***

Please send this signed certification to your Regional Administrator, Administration on Aging by the date specified in the accompanying Program Instruction.

Older Americans Act Ombudsman Minimum Funding and Non-Supplantation Requirements (Including Congressional Intent) and State Authorization to Expend Title III-B Funds on Ombudsman Activities

Section 307 (a)(9): The State plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman Program in accordance with section 712 and this title (III), and will expend for such purpose an amount that is not less than an amount expended by the State agency with funds received under this title (III) for fiscal year 2000, and an amount that is not less than the amount expended by the State agency with funds received under title VII for fiscal year 2000.

Section 306 (a)(9): The area plan must provide assurances that the area agency, in carrying out the State Long-Term Care Ombudsman Program under section 307(a)(9), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 2000 in carrying out such a program under this title.

Section 705(a)(4): In order to be eligible to receive an allotment under this subtitle, a State shall include in the State plan submitted under section 307 an assurance that the State will use funds made available under this subtitle in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of enactment of this subtitle, to carry out **each of** the vulnerable elder rights protections activities described in this chapter. (Emphasized words were added in the 2000 Amendments.)

Authorizing committee report: It is the committee's intent for a State to expend in subsequent years, at a minimum, the amount spent by the State on its Long Term Care Ombudsman Program in FY 2000, in addition to any increase in funding provided for ombudsman activities in each fiscal year under Title VII. *The Senate Committee on Health, Education, Labor and Pensions [HELP] report "Older Americans Act Amendments of 1999," Senate Committee Report 106-399, page 5*

OAA Authorization for expenditure of Title III-B funds for ombudsman activities:

Section 304 (d)(1): Any state's allotment, after the application of section 308(b), under this section for any fiscal year... **(B)** such amount (excluding any amount attributable to funds appropriated under section 303(a)(3)) as the State agency determines to be adequate for conducting an effective ombudsman program under section 307(a)(9) shall be available for conducting such program.

PROGRAM INSTRUCTION

AoA-PI-05-01

TO : STATE AGENCIES ON AGING ADMINISTERING PLANS
UNDER TITLE III OF THE OLDER AMERICANS ACT,
AS AMENDED

SUBJECT : Certification on Maintenance of Effort for
Title III and Certification of Long-Term
Care Ombudsman Program Expenditures -
Fiscal Year 2004

LEGAL AND RELATED

REFERENCES : 45 CFR 1321.49 and Section 309(c) of the Older
Americans Act, as Amended; and
Sections 304(d)(1), 306(a)(9), 307(a)(9),
and 705(a)(4) of the Older Americans Act,
as Amended

This program instruction requests the authorized official in each state agency on aging to submit a certification on maintenance of effort for Title III and certification of Long-Term Ombudsman program expenditures under Title III of the Older Americans Act(OAA) for fiscal year 2004. As required in the OAA, the state agency maintenance of effort level is to be determined annually.

In compliance with 45 CFR 1321.49: To avoid a penalty, each fiscal year the State Agency, to meet the required nonfederal share applicable to its allotments under this part, shall spend under the State plan for both services and administration at least the average amount of state funds it spent under the plan for the three previous fiscal years. If the State Agency spends less than this amount, the Assistant Secretary reduces the State's allotments for supportive and nutrition services under this part by a percentage equal to the percentage by which the State reduced its expenditures.

In reporting the amount of state expenditures for the maintenance of effort requirement, states may include expenditures incurred under the approved cost allocation plan for the state agency.

In compliance with Section 307(a)(9): States must expend on their statewide ombudsman programs no less than they expended in Title III-B and Title VII funds for FY 2000. This amount must be expended annually on ombudsman services to residents of long-term care facilities. In addition, a state may not use ombudsman Title VII funds to supplant, replace, or in substitution for any other federal or state funding.

All of the Title VII ombudsman funding appropriated by Congress and allotted to a state for a specific year must be expended on direct costs of the Ombudsman Program.

In compliance with Section 306(a)(9): Each area agency must expend on activities of the Ombudsman Program not less than the amount of Title III funds expended by the area agency in FY 2000.

The authorized official in each state agency is requested to certify to the Administration on Aging that the fiscal year 2004 expenditure requirements have been met.

Attached are two certification forms which have been approved by the Office of Management and Budget (OMB). The certification forms must be signed by the authorized state agency official and submitted to the Regional Administrators, Administration on Aging, no later than June 10, 2005.

DUE DATE : Due June 10, 2005 to Regional Administrators, Administration on Aging.

ATTACHMENT : Certification of Maintenance of Effort Form OMB-0980-0009

: Certification of Long-Term Care Ombudsman Program Expenditures Form OMB-0985-0005

INQUIRIES : State agencies should address inquiries to Regional Administrators, Administration on Aging, HHS Regional Offices.

Josefina G. Carbonell
Assistant Secretary for Aging