**Section 230.250 Services**

The following requirements shall apply to services provided under this subpart.

a) Multipurpose Senior Centers

1) An Area Agency on Aging may award social service funds under this Part to a public or private nonprofit agency for the following purposes:

A) Acquiring, altering, leasing, or renovating a facility, including a mobile facility, for use as a multipurpose senior center;

B) Constructing a facility, including a mobile facility, for use as a multipurpose senior center;

C) The costs of professional and technical personnel required to operate a center.

2) In making awards for the purposes specified in this Section, the Area Agency on Aging shall give preference to facilities located in communities with the greatest incidence of older persons with the greatest economic or social need.

3) The following health, safety and construction requirements shall apply:

A) A recipient of any award for multipurpose senior center activities shall comply with all applicable State and local health, fire, safety, building, zoning and sanitation laws, ordinances or codes.

B) The plans and specifications for an award for acquiring, altering, renovating or constructing a multipurpose senior center facility must comply with regulations relating to minimum standards of construction, particularly with the requirements of the Architectural Barriers Act of 1968 (42 U.S.C. 4151-4157);

C) The Department shall assure the technical adequacy of any proposed alteration or renovation of a multipurpose senior center. The Department assures technical adequacy by requiring that any alteration or renovation of a multipurpose senior center that affects the load bearing members of the facility is structurally sound and complies with all applicable local or State ordinances, laws, or building codes.

4) A recipient of an award for altering, renovating or constructing a facility to be used as a multipurpose senior center must comply with the requirements of the Davis-Bacon Act (40 U.S.C. 276 (a) et seq.) and other mandatory Federal labor standards.

5) The following special conditions for acquiring by purchase, or constructing a facility shall apply:

A) An Area Agency on Aging shall obtain the approval of the Department before making an award for constructing a facility.

B) The Department may approve the construction of a facility after considering the views of the Area Agency on Aging, relative to subsections 230.250(a)(2), (3) and (4), if it is found that there is no other suitable facility available to be a focal point for service delivery.

C) The Area Agency on Aging may make an award for purchasing or constructing a facility only if there are no suitable facilities for leasing.

6) A facility altered, acquired, renovated, or constructed using funds under this Part, to be used as a multipurpose senior center may not be used and may not be intended to be used for sectarian instruction or as a place for religious worship.

7) The following funding and use requirements shall apply:

A) Sufficient funds must be available to meet the non-Federal share of the award;

B) Sufficient funds must be available to effectively use the facility as a multipurpose senior center;

C) In a facility that is shared with other age groups, funds received under this Part may support only:

i) That part of the facility used by older persons; or

ii) A proportionate share of the costs based on the extent of use of the facility by older persons; and

D) A multipurpose senior center program must be operated in the facility.

b) Legal Assistance

1) The Area Agency on Aging shall award social services funds under this Part for legal assistance to older persons with the greatest economic or social needs.

A) The purpose of awards under this subsection (b) is to increase the availability of legal assistance with a priority on older persons with the greatest economic or social need in order to assist them to secure their rights, benefits and entitlements, and to assist them in achieving the objectives of the Older Americans Act. Legal services provided with funds under this Part must be in addition to any legal assistance already being provided to older persons in the planning and service area.

B) "Legal assistance" means legal advice, representation, or both legal advice and representation by an attorney (including, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney), and includes counseling or representation by a non-lawyer where permitted by law, to older persons with economic or social needs.

2) A legal assistance provider shall be either:

A) An organization that receives funds under the Legal Services Corporation Act (42 U.S.C. 2969); or

B) An organization that has a legal services program or the capacity to develop one.

3) The Area Agency on Aging shall award funds to one or more legal assistance providers that most fully meet the following standards. The legal services providers shall:

A) Have staff with expertise in specific areas of law affecting older persons in economic or social need;

B) Demonstrate the capacity to provide effective administrative and judicial representation in the areas of law affecting older persons with social or economic need;

C) Demonstrate the capacity to provide support to other advocacy efforts;

D) Demonstrate the capacity to effectively deliver legal assistance to institutionalized, isolated, and homebound individuals;

E) Have offices and/or outreach sites which are convenient and accessible to older persons in the community;

F) Demonstrate the capacity to provide legal assistance in a cost effective manner; and

G) Demonstrates the capacity to obtain other resources to provide legal assistance to older persons.

4) Each legal assistance provider shall:

A) Make efforts to involve the private bar in legal assistance provided under this Part, including groups within the private bar that furnish legal services to older persons on a pro bono and reduced fee basis;

B) Ensure that no attorney of the legal assistance provider engages in any outside practice of law if the director of the legal assistance provider has determined that the practice is inconsistent with the attorney's full time responsibilities;

C) Ensure that no attorney engaging in legal assistance activities supported under the Older American Act engages in political activity;

D) Ensure that no legal assistance provider, employee, or staff attorney engage in the following prohibited political activity:

i) Contributing or making available Older Americans Act funds, personnel or equipment to any political party or association or to the campaign of any candidate for public or party office; or for use in advocating or opposing any ballot measure, initiative, or referendum; and

ii) Intentionally identifying the Older Americans Act program or legal assistance provider with any partisan or nonpartisan political activity, or with the campaign of any candidate for public or party office;

E) In areas where a significant number of clients do not speak English as their principal language, adopt employment policies that ensure that legal assistance will be provided in the language spoken by those clients;

F) Adopt a procedure for affording the public appropriate access to the Older Americans Act, regulations and guidelines of 45 CFR Part 1321, the legal assistance provider's written policies, procedures, and guidelines, the names and addresses of the members of the governing body, and other materials that the legal assistance provider determines should be disclosed. The procedure adopted must be approved by the Area Agency on Aging;

G) Ensure that legal assistance is not provided in fee generating cases, as defined in 45 CFR 1321.93(f)(3)(i)(A), (2020), unless adequate representation is unavailable from private attorneys;

H) Ensure that no funds made available under the Act are used for lobbying activities, including but not limited to any activities intended to influence any decision or activity by any nonjudicial federal, State or local individual or body. Nothing in this section is intended to prohibit an employee from:

i) Communicating with a governmental agency for the purpose of obtaining information, clarification, or interpretation of the agency's rules, regulations, practices, or policies;

ii) Informing a client about a new or proposed statute, executive order, or administrative regulation;

iii) Responding to an individual client's request for advice only with respect to the client's own communications to officials unless otherwise prohibited by the Older Americans Act, title III regulations or other applicable law. This provision does not authorize publication of lobbying materials or training of clients on lobbying techniques or the composition of a communication for the client's use;

iv) Making direct contact with the area agency for any purpose;

v) Providing a client with administrative representation in adjudicatory or rulemaking proceedings or negotiations, directly affecting that client's legal rights in a particular case, claim or application;

vi) Communicating with an elected official for the sole purpose of bringing a client's legal problem to the attention of that official; or

vii) Responding to the request of a public official or body for testimony, legal advice or other statements on legislation or other issues related to aging, provided that no such action will be taken without first obtaining the written approval of the responsible area agency.

I) Ensure that, while providing legal assistance, no employee and no staff attorney of the legal assistance provider engages in or encourages, directs, or coerces others to engage in demonstrations, picketing, boycotts, or strike, except as permitted by law in connection with the employee's own employment situation, or, at any time, engage in or encourage others to engage in any illegal activities or any intentional identification of programs funded under the Older Americans Act or recipient with any political activity.

5) Each legal assistance provider that is not a Legal Services Corporation grantee shall agree to coordinate its services with Legal Services Corporation grantees in order to concentrate legal assistance funded under the Older Americans Act on older persons with the greatest economic or social need who are not eligible for services under the Legal Services Corporation Act (42 U.S.C. 2996). In carrying out this requirement, legal assistance providers shall not use a means test or require older persons to apply first for services through a Legal Services Corporation grantee.

6) A legal assistance provider under this Part may, with the approval of the Area Agency on Aging, set priorities for the categories of cases for which it will provide legal representation in order to concentrate on older persons with the greatest economic or social need. In setting case priorities, a legal assistance provider may consider the availability of staff resources in determining the extent of legal advice and representation to provide to individual older persons.

7) A legal assistance provider shall not require an older person to disclose information about income or resources as a condition for providing legal services under this Part. A legal assistance provider may ask about the person's financial circumstances as a part of the process of providing legal advice, counseling and representation, or for the purpose of identifying additional resources and benefits for which an older person may be eligible.

c) Information and Assistance Services

1) The area plan shall provide for information and referral services sufficient to ensure that all older persons within the planning and service area have reasonably convenient access to the service.

A) In areas in which a significant number of older persons do not speak English as their principal language, the information and assistance services provider shall provide information and referral services in the language spoken by the older person.

B) "Information and assistance services" means a system to link people in need of service to appropriate resources.

2) An information and assistance services provider shall:

A) Maintain current information with respect to the opportunities and services available to older persons;

B) Develop current lists of older persons in need of services and opportunities; and

C) Employ a specially trained staff to inform older persons of the opportunities and services which are available and to assist older persons to take advantage of the opportunities and services.

3) An information and assistance services provider may disclose information by name about an older person only with the informed consent of the older person or their authorized representative.

d) Transportation Services

The Area Agency on Aging may enter into transportation agreements with entities that administer programs under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and Title XIX of the Social Security Act to meet the common need for transportation of service participants under the separate programs. Transportation programs are the only activities funded under Title III of the Older Americans Act that the Area Agency on Aging may delegate to another entity the authority to award or administer those funds.

e) Home Health Services

1) Home health care services authorized under an approved area plan shall be provided by:

A) A Medicare-certified Home Health agency.

B) A self-employed registered nurse (RN) who provides services within the scope of a RN's practice under the Nurse Practice Act [ 225 ILCS 65].

C) A physical therapist licensed in accordance with the Illinois Physical Therapy Act [225 ILCS 90].

D) A speech therapist licensed in accordance with the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].

E) An occupational therapist licensed in accordance with the Illinois Occupational Therapy Practice Act [225 ILCS 75].

2) Home health services that may be provided are:

A) Skilled nursing;

B) Home health aide services;

C) Speech therapy;

D) Physical therapy; and/or

E) Occupational therapy.

3) Home health agencies may provide covered services that they are certified to provide by Medicare.

4) Area agencies providing services shall develop procedures that will insure that double payments will not be made for the same service, that Title III funds will be used only to increase services, and that rates paid for such services do not exceed the established Medicare rate for the vendor providing the service, nor shall payment be made to supplement payments made through Medicare or Medicaid when the supplement is in excess of the established Medicare rate.

f) Chore and Housekeeping Services

Chore and housekeeping services authorized under an approved area plan shall provide assistance to persons having difficulty with one or more instrumental activities of daily living (e.g., household tasks, personal care, or yard work) under the supervision of the client or other responsible person. One unit of service is equal to one hour of chore and housekeeping services. A partial hour may be reported to two decimal places, e.g., 0.25 hours. Service activities may include:

1) Assisting with the uncapping of medication containers and providing water;

2) Preparing supplies for the monitoring of non-medical personal care tasks such as shaving, hair shampooing and combing, assistance with sponge bath, assisting with tub bath only when clients are able to enter and exit tub themselves, dressing, brushing and cleaning teeth and/or dentures under specific direction of client or responsible individual;

3) Housekeeping tasks (cleaning, laundry, shopping, simple repairs, meal preparation, seasonal tasks); and

4) Escorting or arranging for transportation (to medical facilities, errands and shopping, miscellaneous family/individual business).

g) Case Management Services

The Department allows funds to be expended for service entitled "Case Management". Activities directly associated with this service shall be carried out in accordance with applicable provisions of 89 Ill. Adm. Code 220.600 through 675 and 89 Ill. Adm. Code 230 Subpart G.

h) Other Services

Other service components of a comprehensive and coordinated service delivery system that may be funded by an Area Agency on Aging include:

1) Services which facilitate access, such as outreach, escort, individual needs assessment and service management;

2) Services provided in the community, where permitted by 42 U.S.C. 3030d(a) (2020), such as:

A) continuing education;

B) health and health screening;

C) program development and coordination activities;

D) individual needs assessment and service management;

E) casework;

F) counseling and assistance (concerning taxes, financial problems, welfare, the use of facilities and services, pre-retirement or second career);

G) day care;

H) protective services;

I) nutrition education;

J) services designed for the unique needs of the disabled;

K) emergency services including disaster relief services;

L) residential repair and renovation;

M) physical fitness and recreation services; and

N) assistance in obtaining adequate housing;

3) Services provided in the home, such as:

A) preinstitutional evaluations;

B) casework;

C) counseling;

D) chore maintenance;

E) visiting;

F) shopping;

G) reading printed material;

H) letter writing;

I) telephone reassurance; and

J) nutrition education;

4) Services provided to residents of care providing facilities, such as:

A) casework;

B) counseling;

C) placement and relocation assistance;

D) group services; and

E) complaint and grievance resolution and visiting;

5) Care providing facilities include long-term care facilities as defined in the Older Americans Act (42 U.S.C. 3002(35) (2020)), emergency shelters, and other congregate living arrangements.

(Source: Amended at 49 Ill. Reg. 1984, effective February 4, 2025)