



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Developmental Disabilities

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INFORMATION MEMORANDUM

TO : Directors, State Administering Agencies
Chairpersons, State Planning Councils
Executive Directors, State Planning Councils
Directors, State Protection and Advocacy Agencies
Directors, University Affiliated Programs
and Satellite Centers

SUBJECT : Summary of the Disability Related Provisions of
the Older Americans Act Amendments of 1987 (Public
Law 100-175)

**LEGAL AND
RELATED**

REFERENCE: Public Law 100-175: The Older Americans Act
Amendments of 1987 Public Law 100-146: The
Developmental Disabilities Assistance and Bill of
Rights Act Amendments of 1987

INFORMATION: The purpose of this memorandum is to provide
information on the disability related provisions
of the Older Americans Act Amendments of 1987
(Public Law 100-175). These provisions directly
impact on the Developmental Disabilities Program.
References to the provisions regarding the elderly
in the Developmental Disabilities Assistance and
Bill of Rights Act Amendments of 1987 (Public Law
100-146) are included.

SEC. 102(8)&(9)

Two new terms were added to the Act:
"disability" and "severe disability".

The term "disability" is defined in a new paragraph (8) to mean "(except when such term is used in the phrase 'severe disability', 'developmental disabilities', 'physical and mental disability', and mental disability', 'physical and mental disabilities', or 'physical disability') a disability attributable to mental or physical impairment, of a combination of mental and physical impairments, that results in substantial functional limitations in 1 or more of the following areas of major life activity: (A) self-care, (B) receptive and expressive language, (C) learning, (D) mobility, (E) self-direction, (F) capacity for independent living, (G) economic self-sufficiency, (H) cognitive functioning, and (I) emotional adjustment."

The term "severe disability" is defined in a new paragraph (9) to mean "a severe, chronic disability attributable to mental or physical impairments, that --

- (A) is likely to continue indefinitely; and
- (B) results in substantial functional limitation in 3 or more of the major life activities specified in subparagraphs (A) through (G) of paragraph (8)

SEC. 202(b)(1)

Regarding the development of policy alternatives in long-term care and to insure that the development of community alternatives is given priority attention, the Commissioner of Administration on Aging (AoA) is required to develop plan linkages with the Administration on Developmental Disabilities.

SEC. 203(b)

The Commissioner of AoA in carrying out the purposes and provisions of the Act, is required to advise, consult and cooperate with the federal agency administering the Developmental Disabilities and Bill of Rights Act (the Administration on Developmental Disabilities) and

the Commissioner of the Administration of Developmental Disabilities is required to reciprocate in areas related to the purposes of the Older Americans Act.

NOTE: Conference Report language indicates that the intent of Congress is that it is expected that "the Commissioner will consult with national organizations representing the interests of individuals with severe disabilities in order to provide improved technical assistance to State and area agencies in the provision of services to older individuals with disabilities." (Congressional Record: November 9, 1987: H 9752)

SEC. 206(c)

The Secretary is required to carry out an evaluation of the effectiveness and impact of the administration of the Older Americans Act and in doing so it shall "consult with organizations concerned with older individuals, including those representing minority individuals and older individuals with disabilities."

SEC. 207(a)

The Commissioner of AoA is required to prepare a report to the President and Congress on the activities carried out under the Act. The report shall include "statistical data and an analysis of information regarding the effectiveness of the State agency and area agencies on aging in targeting services to older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals, and frail individuals (including individuals with any physical or mental functional impairment).

SEC. 302(21)

The term "greatest social need" is defined to mean "the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural, social, or geographic isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens such individual's capacity to live independently."

SEC. 306(a)(5)(B)

There is an area agency on aging plan requirement that the outreach efforts be used to identify individuals eligible for assistance under the Act, with special emphasis on rural elderly, older individuals who have greatest economic need, older individuals who have greatest social need, and older individuals with severe disabilities.

SEC. 307(a)(12)(I)(v)

With respect to the State long-term care ombudsman program the State is required to coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illness (as established under Part A of the Developmental Disabilities Assistance and Bill of Rights Act and the Protection and Advocacy for Mentally Ill Individuals Act. (Section 426(a) of the Older Americans Act provides for several demonstration cooperative projects.)

SEC. 307(a)(13)(i)

Individuals "with disabilities who reside at home with and accompany older individuals who are eligible under this Act" can now be offered a meal at a nutrition site once a procedure is in place.

SEC. 307(a)(25)

The state aging plan shall provide, with respect to the needs of older individuals with severe disabilities, assurances that the State will coordinate planning, identification, assessment of needs, and services for older individuals with disabilities -- with particular attention to individuals with severe disabilities -- with the state agencies with primary responsibility for individual with disabilities, including severe disabilities, and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities.

SEC. 307(a)(26)

The state aging plan shall "provide assurances that area agencies on aging will conduct efforts

to facilitate the coordination of community-based, long-term care services for older individuals who:

(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently

(B) are patients in hospitals and are at risk of prolonged institutionalization; or

(C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them."

SEC. 321(a)(4)(B)

The Commissioner is to carry out a program for making grants for supportive services including services designed to assist older individuals "who have physical disabilities" to adapt their homes.

SEC. 341-342

The Commissioner is required to carry out a program for making grants to States to provide in-home services to frail older individuals. In-home services include homemaker and home health aides, visiting and telephone reassurance, chore maintenance, in-home respite care and adult day care, and minor modifications of homes. The term "frail" means having a physical or mental disability, including having Alzheimer's disease or a related disorder with neurological or organic brain dysfunction, that restricts the ability of an individual to perform normal daily tasks or which threatens the capacity of an individual to live independently.

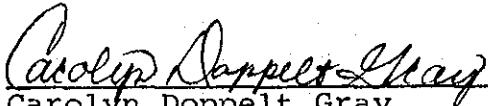
SEC. 411(c)

The Commissioner is authorized to make grants and enter into contracts generally for the preparation of personnel in the field of aging or those preparing to enter the field of aging and is required to give special consideration to the recruitment and training of personnel, volunteers, and those preparing for employment in that part of the field of aging which relates to providing services to individuals with disabilities and providing family respite care services with respect to such individuals.

- SEC. 412(a)
The Commissioner is authorized to offer a grant to establish or maintain a multidisciplinary center of gerontology or a gerontology center of special emphasis with emphasis on disabilities (including severe disabilities).
- SEC. 412(a)
Multidisciplinary centers of gerontology are required to "provide information related to assistive technology."
- SEC. 423(a)(3)
The Commissioner is authorized to make grants for special projects in comprehensive long-term care for the development of programs that provide for a full continuum of services that include among a range of other services, including services to older individuals with severe disabilities residing in nursing homes.
- SEC. 427(a)
The Commissioner is authorized to award from three to ten State grants to demonstrate and evaluate cooperative projects between the State long-term care ombudsman program and the State protection and advocacy systems for developmental disabilities and mental illness; \$1,000,000 is appropriated for FY '89. (Section 307(a)(12)(I)(v) requires coordination.) The Commissioner on Aging shall prepare to the Congress a report with recommendations of the study and evaluation.

EFFECTIVE
DATE : Date of Issuance

INQUIRIES
TO : Kristen Rogge, Acting Director
Management Services Staff


Carolyn Doppelt Gray
Commissioner
Administration on Developmental
Disabilities