

# **SECTION 500:**

# **SERVICE PROVIDER REQUIREMENTS**

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## SECTION 500: SERVICE PROVIDER REQUIREMENTS

### 501. Purpose of Section

The purpose of this section is to identify specific responsibilities of service providers in the provision of services funded by the Area Agency.

### 502. Program Administration

#### A. General Purpose Requirements

In order to achieve the purpose of the Older Americans Act and Illinois General Revenue Fund programs, the resources made available to the service provider by the Area Agency are designed to:

1. Draw in commitments from public and private agencies which have resources that can be utilized to serve older persons;
2. Encourage such public and private agencies to enter into cooperative arrangements which are directed toward maximum utilization of existing resources on behalf of older persons;
3. Make existing social services more accessible to older persons in need through the development and support of services which can increase the ability of older persons, including the older physically and mentally disabled, to obtain social services; and,
4. Promote comprehensive services for the elderly through the development and support of social services which are needed by older persons but which are not otherwise available.

#### B. Fundable Services

The service provider must adhere to the general requirements applicable to all fundable services, as well as service definitions, allowable service activities, unit of service definition, and service standards set forth in the Request for Proposal and Section 400 of this Manual.

**C. Targeting Services**

All service providers must follow priorities set by the Area Agency as outlined in the current Area Plan and applicable Request for Proposals for service to older persons with greatest economic and/or social need, with special emphasis on low-income minorities. Service providers shall use methods such as location of services and specialization in the types of service most needed by these groups to meet this requirement.

**D. Service Priority for Frail, Homebound, or Isolated Elderly**

Persons age 60 or over who are frail, homebound by reason of illness or incapacitating disability, or otherwise isolated, shall be given priority in the delivery of services.

**E. Outreach/Publicity**

All funded service providers shall develop and implement a written outreach/publicity plan which will, at minimum, identify older persons and inform them of available services. This plan shall include a special emphasis being placed on the rural elderly and on those seniors with greatest economic and social need with special emphasis on low-income minorities, ensuring that the maximum number of eligible older persons have an opportunity to participate in all services available within the service area.

**F. Coordination**

In order to facilitate the development of a comprehensive and coordinated system of social services for persons sixty (60) years of age and older, service providers must develop written coordination/working agreements with other Area Agency-funded service providers within their service area. Written working/coordination agreements are also encouraged between other non-Area Agency-funded programs which serve older persons. The agreement should be two-sided and consider aspects of both parties. The following are items that shall be included in the coordination/working agreement:

1. Distinct service responsibilities (including service limitations, publicity, advocacy, and outreach).
2. Agreed-upon procedures for client referrals which include client confidentiality.
3. Elder abuse roles and responsibilities (applies only to elder abuse provider agencies).
4. Renewal/review procedures.

Area Agency-funded service providers may request a waiver of the written coordination/working agreement requirement. Such waivers must be submitted in writing to the Area Agency on Aging. The written waiver request submitted by the service provider must contain other measures that the service provider will develop and

implement to coordinate with other Area Agency-funded service providers (i.e., regular presence at inter-agency meetings). If the waiver request is approved by the Area Agency, the service provider must retain written documentation that such coordination activities have been conducted by the service provider.

#### G. Training

Opportunities shall be offered to all service provider staff (both paid and volunteer) in the areas of continuing education and training relative to the funded service(s). Written policies and procedures shall be developed and implemented which, at minimum, address the following:

1. Pre-service training, including the required orientation topics per staff position. (Note: The focus of pre-service training should be position-focused so that new employees can perform their job responsibilities.)
2. In-service training, including number of required hours and potential training topics per staff position.
3. Frequency of training.
4. Compensation to staff for attendance at required training.

#### H. Confidentiality of Personal Information

All information which is identifiable with any specific individual must be kept confidential unless the person concerned gives informed consent for the information to be released. This applies to both client information and personnel records. Service providers are strongly encouraged to obtain informed consent in writing from Older Americans Act clients. If the service provider receives verbal consent to release information from a client, the service provider should document that such verbal consent was granted in the client's case record.

1. Right of Protection. Clients shall have a right to the protection of confidential information about themselves. This right may be superseded only in those exceptional situations, i.e., a court subpoena, where it is necessary to protect the client or others.
2. Sources of Information. The client's consent shall be obtained before client-specific information is released to other sources.
3. Informed Consent. No information about an older person, or information obtained from an older person, shall be disclosed by a service provider in a form that identifies the older person, without the informed consent of the older person or his or her legal representative, unless the disclosure is required by court order, or for program monitoring by authorized Federal, State or local monitoring agencies, including the Area Agency on Aging. Service providers

are strongly encouraged to obtain informed consent in writing.

A provider funded by the Area Agency on Aging for the provision of legal assistance service may not be required to reveal any information about an older person receiving legal assistance service that is protected by attorney-client privilege.

4. Third Party Information. A service provider receiving a confidential report on a client from another agency or individual shall not divulge this information to a third party without securing the client's written informed consent.
5. Use of Information in Research and Training. The use of a case record for research or training purposes shall not be considered a breach of confidentiality, provided the identity of the client and his/her family has been effectively disguised.
6. Written Policy. The service provider shall have written statements of policy and procedures governing confidentiality. These shall serve not only to protect the client, but to avoid placing upon staff the full burden of making personal judgments.
7. Policy Changes. Whenever practices regarding confidentiality are amended, the service provider shall redefine its policies and procedures and revise accordingly. All such policy changes must be approved by the governing body of the service provider prior to implementation.

#### I. Assistance for Elder Disaster Victims

Upon declaration of a major disaster by the President of the United States or Governor of the State of Illinois, the provider will cooperate with the Area Agency and the State to assess the extent of the disaster's impact upon persons aged 60 years and over, and to coordinate the public and private resources in the field of Aging in order to assist older disaster victims. Nutrition providers will provide meals to older persons in weather-related emergencies. The following guidelines to assist service providers in identifying their roles in the event of a State or Federally-declared disaster or emergency, including the legal authority and responsibilities of the various response agencies, including senior service providers. The guidelines address the role of service providers regarding emergency response activities, and disaster recovery operations, as well as emergency preparedness and training.

1. Authority for Planning and Coordinating Emergency Service
  - a. Illinois Emergency Management Agency (IEMA). IEMA is the state agency responsible for coordinating the efforts of the state, private

organizations, political subdivisions and the federal government in disaster mitigation, preparedness, response, and recovery activities. Under the Illinois Emergency Management Act, the Illinois Department on Aging is signatory to the Illinois Emergency Operations Plan (IEOP), the guide for State response and recovery operations which outlines specific actions in support of local emergency operations plans, and has agreed to support IEMA in responding to disasters, without regard specifically to the degree of impact on the elderly.

- b. The Emergency Service Disaster Agency (ESDA). ESDA is the constituted government aided by auxiliaries functioning in emergencies caused by enemy actions or natural disasters. At the county level, the ESDA Director is responsible to the Chairman of the County Board for coordinating disaster activities within the geographical limits of a county.
- c. The Red Cross. Although the role of government in assisting disaster victims has expanded, major responsibilities for disaster relief has been placed on the Red Cross by the Federal government. When disaster strikes, Red Cross will assist victims with food, clothing, and rent; urgent household needs, medical, nursing, and hospital care; temporary home repairs; replacement of personal occupational supplies and equipment; information regarding public and private resources; and recovery assistance.
- d. The Area Agency on Aging. As mandated by the Older Americans Act and the Illinois Department on Aging under the Illinois Emergency Management Act, the Area Agency on Aging is required to assess the needs of older persons, develop a comprehensive coordinated service system and support and assist in recovery operations assisting and locating senior citizens to ensure they obtain all available aid. Section 310 of the 1992 Amendments to the Older Americans Act provides that the Commissioner on Aging may provide reimbursement to any state, upon application, for funds made available to Area Agencies on Aging for the delivery of supportive services during a major disaster declared by the President. This action is taken in accordance with the Disaster Relief and Emergency Assistance Act. Such services may include advocacy and case management for victims; licensed appraiser services; handyman and chore services; legal services; assistance to move older victims from temporary shelter back to their residences; and other direct services to older persons, when a comprehensive assessment of the disaster situation indicates that older persons have disaster-related needs that are unresolved by Federal, State, or voluntary disaster-assistance programs. In response to Federal and State mandates, the Area Agency has developed a Disaster Operations Plan.



2. Guidelines for Service Providers:
  - a. Senior Information Services providers shall take a leading role in maintaining contact with ESDA, Red Cross, and Area Agency officials, and providing information to older persons about a State or Federally-declared emergency and available services.
  - b. Senior Information Services providers shall consult with ESDA, Red Cross and Area Agency officials during the response and recovery phases of a disaster to determine the most appropriate response by senior services, and coordinate the delivery of services.
  - c. Service providers shall establish and maintain a Disaster Operations Plan which includes home telephone numbers of designated contact persons utilizing the MASS CARE Contact Sheet. Service providers shall provide the local Senior Information Services provider with copies of their MASS CARE Contact Sheet and working agreements with ESDA and Red Cross.
  - d. Senior Information Services and other providers shall enter into working agreements which identify contact persons, roles, obligations, right to access, client confidentiality and other areas of cooperation with the local ESDA(s), other relief agencies and other service providers.
  - e. Senior Information Services providers shall establish working relationships with the local ESDA(s), Red Cross Chapter and other local community-based agencies.
  - f. Senior Information Services providers shall have a written and signed Memorandum of Understanding, as developed by the ECIAAA in consultation with the Red Cross, with the local Red Cross Chapter.
  - g. Senior Information Services and other providers shall assist and cooperate with ESDA, Red Cross and Area Agency officials in assessing the scope and severity of the disaster upon older persons.
  - h. Senior Information Services providers shall maintain contact with other service providers during the response and recovery phases to coordinate service delivery, identify service gaps, and minimize duplication of effort.
  - i. Service providers shall coordinate with ESDA, Red Cross, the Area Agency and other service providers to target services to persons in greatest need such as older persons who are physically or mentally disabled, persons living alone or in isolated areas, persons who face economic, racial, ethnic, or language barriers in obtaining assistance, and nursing

home residents.

- j. Senior Information Services providers shall be present, to the extent possible, at the Disaster Application Center or assist with Tele-registration following a Federally-declared disaster to provide linkage of older victims to appropriate disaster assistance agencies and to arrange provision of needed services.
- k. Senior Information Services and Case Management providers shall conduct follow-up phone calls or home visits with older disaster victims to assist them in obtaining relief assistance, or in advocating on their behalf.
- l. Service providers shall conduct training, in coordination with ESDA and the Red Cross, and orientation about disaster preparedness and response for their governing boards, advisory councils, staff and volunteers at least once a year.
- m. Service providers shall provide the Area Agency with necessary information about the needs of older disaster victims, and program and fiscal reports necessary to account for disaster services reimbursed by the Area Agency.

**J. Elder Abuse Networking**

All staff of funded service providers who come into contact with older persons in the scope of their professional duties, are to report alleged or suspected cases of elder abuse and neglect when the victim cannot make a report him/herself due to dysfunction.

**K. Obtaining Views of Participants**

All service providers shall have a written and implemented comprehensive evaluation plan to obtain participants' response to service quality and provision.

**L. Advisory Council Requirements**

Each service provider funded by the Area Agency is required to have an Advisory Board or Council. Minimum requirements for such an Advisory group are as follows:

- 1) 51% of the membership must be at least 60 years of age or over. In non-home delivered services, consumers must be represented.
- 2) The Advisory Group must have written by-laws or guidelines.
- 3) Minutes of all meetings must be on file and open for inspection.
- 4) Members should be geographically representative.
- 5) Meetings must be held at least quarterly.

The service provider's governing board can serve as the advisory group if the above requirements are met by the service provider.

Area Agency-funded service providers may request a waiver of specific advisory group requirements. Such waivers must be submitted in writing to the Area Agency on Aging. The written waiver request submitted by the service provider must contain other methods that the service provider will develop and implement to seek advisory input from older individuals. If the waiver request is approved by the Area Agency, the service provider must retain written documentation that such advisory input activities have been implemented by the service provider.

**M. Contributions**

1. Opportunity to Contribute: Each service provider must --
  - a. Provide each participant with an opportunity to voluntarily contribute to the cost of the service;
  - b. Protect the privacy of each participant with respect to his or her contribution;
  - c. Establish appropriate procedures to safeguard and account for all contributions; and,
  - d. Use all participant contributions to expand the services of the provider under this part. Nutrition service providers must use participant contributions to increase the number of meals served, facilitate access to such meals, or to provide other supportive services directly related to nutrition services.
2. Contribution Schedules: Each service provider may develop a suggested contribution schedule for services provided under this part. In developing a contribution schedule, the provider must consider the income ranges of older persons in the community and the provider's other sources of income.
3. Failure to Contribute: A service provider that receives funds under this part may not deny any older person a service because the older person will not or cannot contribute to the cost of the service.
4. Contributions as Program Income: Participant contributions are considered program income.

**N. Standards of Personnel Administration**

All service providers must have in place written personnel policies which have been approved by the governing board of the service provider prior to implementation. At minimum, these personnel policies must address the

following requirements:

1. Compliance with Title VI of the U.S. Civil Rights Act of 1964, as amended; Title VII of the U.S. Civil Rights Act of 1964, as amended; Illinois Human Rights Act, Section 504 of the Rehabilitation Act of 1973, as amended; Americans With Disabilities Act of 1990, as amended; the Age Discrimination Act, as amended; the Age Discrimination in Employment Act, as amended. (Refer to Section 1200 of this Manual for additional Civil Rights Program requirements.)
2. Compliance with Affirmative Action for equal opportunity in accordance with the Equal Employment Opportunities Executive Order of 1974.
3. Compliance with the Federal Immigration and Reform Act of 1986.
4. Compliance with written sexual harassment regulations in accordance with the Illinois Human Rights Act, Public Act 87-1257, Section 2-105A.
5. Code of Professional Conduct for employees and volunteers involved in Area Agency-funded service delivery to older persons.
6. Standards for a Merit System of Personnel Administration as required by the Older Americans Act of 1965, as amended by the Comprehensive Older Americans Act Amendments of 1976, Section 307 on October 18, 1978; 42 U.S.C. 3027(a)(4); personnel policies are to address the following six (6) standards:
  - a. Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills;
  - b. Providing equitable and adequate compensation;
  - c. Training employees;
  - d. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
  - e. Assuring fair treatment of applicants and employees in all aspects of personnel administration; and,
  - f. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

Such standards will be maintained in the file of the service provider and will be made available to the Area Agency and Illinois Department on Aging upon request.

**O. Coordination with Social Security Act Programs**

The service provider will provide for maximum coordination between its programs and activities under the application and resources available under Title VI, XIX, and XX of the Social Security Act.

**P. Licensure Requirements**

A service provider receiving funding from the Area Agency on Aging must ensure that it operates fully in conformance with all applicable Federal, State, and local fire, health, safety, and sanitation, and other standards prescribed in law or regulations.

A service provider shall provide that where the State or local public jurisdiction require licensure for the provision of Area Agency-funded services, the service provider shall be licensed to provide such services.

Service providers receiving Area Agency funding for multi-purpose senior center operations and/or facility development must ensure that the facility complies with all applicable State and local health, fire, safety, building, zoning, and sanitation laws, ordinances, or codes.

**Q. Evaluation/Compliance**

The service provider will cooperate and assist in any efforts undertaken by the Area Agency, the Illinois Department on Aging, and/or the Administration on Aging to evaluate the quality, effectiveness, feasibility, and cost of services as identified in the approved grant and/or contract, through program and/or fiscal compliance reviews, or any other method deemed necessary.

**R. Maintenance of Non-Federal and Federal Support**

Each service provider must:

1. Assure that Area Agency funds are not used to supplant funds from non-Federal sources or from other Federal sources; and,
2. Agree to continually initiate efforts to obtain support from private sources and other public organizations for services funded under this section.

**S. Records and Reports**

Service providers are required to keep such records and make such reports in such form and containing such information as may be required by the Area Agency or the Illinois Department on Aging in accordance with guidelines issued by the

Administration on Aging. The service provider will maintain such accounts and documents as will serve to permit expeditious determination to be made at any time of the status of funds within the award, including the disposition of all monies received from the Area Agency, and the nature and amount of all charges claimed to be against such funds. The service provider will allow the Area Agency, the Illinois Department on Aging, Comptroller General, or appropriate Federal agency, through any authorized representative, the access to and the right to examine all records, books, papers, or documents relative to the grant and/or contract.

T. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970

The service provider shall comply with the requirements of the provision of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally-assisted programs.

U. Federal Fair Labor Standards Act

The service provider shall comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act.

V. Safeguards

The service provider shall establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties. Such safeguards must be in the form of written policies as approved by the governing board of the service provider.

W. Recognition of Funding

The service provider shall acknowledge the Area Agency as a funding source on all publicity regarding the approved grant and/or contract or funded services, and shall display the logo of the EAST CENTRAL ILLINOIS AREA AGENCY ON AGING, INC., at the service provider agency's facility, program facilities, and/or on their vehicles in a visible location.

X. Insurance

Service providers are required to carry adequate insurance protection of comprehensive general liability, fire, theft, and, in the case of nutrition providers, product liability. Service providers are strongly encouraged to ensure that program staff and governing board members are protected with liability insurance relative to their assigned duties. This is most important for those staff involved in the delivery of in-home services. The

service provider shall have insurance on all structures and equipment in an amount not less than the approved Area Agency award. In the case of those units of local government which have self-insurance programs, any Federally and State supported equipment that is lost, damaged or destroyed must be: 1) replaced at the replacement value of the equipment less the applicable local match; or, 2) the monies paid back to the Area Agency.

Y. Conviction of Bribery

The service provider shall assure that no official, agent, or employee of the service provider agency has been convicted of bribery, or of attempting to bribe, an officer's or employee's official capacity, or has made an admission of guilt of such conduct which is a matter of record, but has not been prosecuted of such conduct.

Z. Residency/Citizenship

The service provider shall ensure that there are no requirements as to the duration of an older person's residence or citizenship imposed, in policy or practice, as a condition of participation in the provision of Older Americans Act services. The service provider shall establish and implement written policies and procedures, as approved by the governing board of the service provider, that ensure there are no residency or citizenship duration requirements imposed that would serve as a condition of participation in any Older Americans Act service offered by the service provider.

AA. Conflict of Interest

The service provider will ensure that, in order to avoid conflict of interest and violation of Federal regulations, a person who is a paid employee of either the direct grantee/contractor or the direct project of the service provider does not serve as a member of the governing board of that same service provider.

The service provider will ensure that no immediate family member of a paid employee of either the direct grantee/contractor or the direct project will serve as a member of the governing board of that same service provider.

The service provider will ensure that no person who is a paid employee of either the direct grantee/contractor or the direct project, or any member of the paid employee's immediate family, will serve on the governing board of another Area Agency-funded service provider.

The service provider will ensure that no person who is a paid employee of either the direct grantee/contractor or the direct project of the service provider, or any member of the paid employee's immediate family, will serve on the governing board of the Area Agency on Aging.

The service provider will ensure that no person who is a paid employee of another Area Agency-Funded grantee/contractor or the direct project, or any member of the paid employee's immediate family, will serve on the governing board of that same service provider.

(Note: The term "direct grantee/contractor" as referenced herein refers to the entity noted as either the grantee agency, contractor, or provider on the legal award document as mutually signed by representatives of the Area Agency on Aging and the service provider.)

The term "direct project" as used herein refers to the specific service(s) program for which the service provider receives Area Agency on Aging funding.

The term "immediate family" as referenced herein refers to the following:  
son, step-son, daughter, step-daughter, mother, step-mother, mother-in-law, father, step-father, father-in-law, sister, step-sister, brother, step-brother, grandmother, step-grandmother, grandfather, step-grandfather, and spouses.)

**EXAMPLES OF PAID EMPLOYEE RELATIONSHIPS  
RELATIVE TO THE AREA AGENCY'S  
CONFLICT OF INTEREST POLICIES**

**EXAMPLE #1**

The Area Agency enters into a grant agreement with a community college for the provision of Home Health service, with the president of the community college signing the legal award document between the Area Agency and the community college. The School of Nursing within the community college has direct oversight of the Home Health service program funded by the Area Agency. Therefore, the paid employee provision of the Area Agency's conflict of interest policies are applicable in the following circumstances:

- a. To a paid employee of the School of Nursing (direct grantee/contractor); and
- b. To a paid employee of the Home Health service program (direct project).

A paid employee of the School of Liberal Arts of the community college is not one who is effected by the Area Agency's conflict of interest policies.

**EXAMPLE #2**



The Area Agency enters into a contract with a county-owned health department for the provision of In-Home Respite Care, with the administrator of the health department signing the legal award document between the Area Agency and the health department on behalf of and as the legal representative of the county government. The paid employee provision of the Area Agency's conflict of interest policies are applicable in the following circumstances:

- a. To a paid employee of the health department (direct grantee/contractor); and
- b. To a paid employee of the In-Home Respite Care program (direct project).

A paid employee of the county-owned nursing home is not one who is effected by the Area Agency's conflict of interest policies.

**BB. Grievance Procedures for Service Participants**

All Older Americans Act-funded service providers must have written grievance procedures which informs service participants that they have a right to file a grievance when they are dissatisfied with or denied Older Americans Act services. When service providers receive grievances from service participants, the grievances should be addressed within a reasonable period of time by the Older Americans Act-funded service providers.

Any Older Americans Act service participant can file a formal grievance with the East Central Illinois Area Agency on Aging when such a participant is dissatisfied with or denied Older Americans Act services by an Area Agency funded service provider within the following procedures:

- 1. Prior to filing a grievance with the Area Agency on Aging, the Older Americans Act participant must first attempt to resolve the grievance at the service provider level. The participant must comply with the grievance procedures as established by the service provider. If the participant is not satisfied with the results of the grievance process at the service provider level, the participant can file a formal grievance with the Area Agency within sixty (60) days from the completion of the service provider's grievance process.
- 2. The grievance process will be initiated by the Area Agency effective with the date a written grievance has been received by the Area Agency. Any grievance not filed within the required timeframe may be dismissed by the Area Agency on Aging.
- 3. Any grievance shall be in writing and shall include:

- a. The name of the person or agency filing the grievance.
  - b. The name of the person or agency in whose behalf the grievance is filed.
  - c. The specific action (i.e. denial of services) of the service provider being appealed, including the date of the notice advising the participant of the action and the effective date of the action.
  - d. Any other information that directly relates to the grievance.
4. All grievances must be mailed to the following address:
- Executive Director  
East Central Illinois Area Agency on Aging  
1003 Maple Hill Road  
Bloomington, IL 61705-9327
5. Upon receipt of a grievance, the Area Agency shall stamp the notice with the date received and notify the complainant and all other parties to the grievance of the receipt of the grievance. The Area Agency will review all application information to ascertain if it has jurisdiction to hear the grievance.
6. Upon receipt of a grievance, the Executive Director and Community-Grants Manager at the Area Agency will conduct an informal review of the action which has served as the basis for the grievance and, if indicated, reverse or modify the decision, or take other action as necessary.
7. If the issues being appealed are not resolved by the informal review, a formal hearing shall be conducted by the Area Agency on Aging.
8. Each hearing shall be conducted at a reasonable time, date, and place. Ten (10) calendar days preliminary written notice of the hearing shall be provided to the participant that filed the grievance and all other parties to the grievance by Registered Mail: Return Receipt Requested.
9. The complainant may represent himself/herself at the hearing, or may be represented by other authorized representatives and not be present at the hearing.
10. The complainant and/or his/her representative shall have the opportunity to:
- a. Present evidence and witnesses in behalf on the complainant.
  - b. Advance any arguments without undue interference.
  - c. Refute testimony or other evidence and cross-examine witnesses.
11. If the complainant or his/her authorized representative fail to appear at the

hearing, the grievance will be decided in the complainant's absence without the benefit of the complainant's or his/her authorized representative's testimony.

12. A grievance may be withdrawn by the complainant and/or his/her authorized representative either prior to or at the hearing. A withdrawal must be in writing and signed by the complainant and/or his/her representative, or on the record during the hearing.
13. The decision resulting from the grievance shall be in writing and shall set forth the facts of the grievance, and the regulations and reasons upon which the decision is based. The complainant shall be notified of the decision in writing.

**CC. Service Provider Criminal Background Check Policy**

**Purpose Statement:**

The Area Agency recognizes the increasing incidences of crimes against persons 60 years of age and older and children 18 years of age and under. IN an effort to minimize these incidences, The Area Agency is requiring Illinois State Police non-fingerprint criminal background checks for all employees and applicants of Area Agency-funded programs. In addition, volunteers participating in Area Agency-funded programs with income client contact and/or access to confidential client information, including, but not limited to addresses, Social Security numbers, financial information, etc., are also required to complete an Illinois State Police non-fingerprint criminal background check. The intent of this policy is to reduce risk and promote the safety and privacy of persons served by programs funded in whole or in part by the Area Agency, including: persons 60 years of age and older, caregivers of older adults and persons with disabilities, grandparents and other relatives raising children, and children 18 years of age and under.

**Definitions:**

1. Employee – any employee of an Area Agency-funded program.
2. Volunteer – any person performing u-paid duties in Area Agency-funded programs with in-home client contact and/or access to confidential client information.
3. Applicant-any persons applying and considered for a paid or non-paid position.
4. Client-any person receiving services from programs funded by the Area Agency, including:
  - a. Persons 60 years of age and older
  - b. Caregivers of persons 60 years of age or older.
  - c. Family caregivers who provide care for individuals with Alzheimer’s disease and related disorders with neurological and organic brain dysfunction.
  - d. Grandparents or older individuals who are relative caregivers for children 18 years of age and under or children of any age with disabilities.
5. Caregiver-“an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of a law and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution)

- compensated or uncompensated care to an older individual.” (Source: Older Americans Act Amendments of 2006).
6. Employer – any entity receiving Area Agency funds for the provision of services to seniors and/or their caregivers.
  7. Minor – a child who volunteers who is under the age of 18.
  8. Area Agency – refers to the East Central Illinois Area Agency on Aging, Inc. serving the 16 counties in Planning and Service Area 05.

### Applicability

All employees, persons 55 years of age and older who are eligible for, and enrolled in the Senior Community Service Employment Program, and all volunteers who have in-home client contact and/or access to confidential client information, must receive a criminal background check under this policy.

### Implementation

The employer will request a Non-Fingerprint Criminal Background Check through the Illinois State Policy for all applicable employees, volunteers and applicants. The Area Agency requires all funded service providers to comply with the Fair Credit Reporting Act.

Employees will be monitored for compliance with this policy. The Area Agency may terminate grant awards and/or contracts for any employer not in compliance with this policy. Written notice will be given prior to the termination of a grant or contract.

### Minors

Service Provider Criminal Background Check Policy applies to all employees and volunteers. Minors who volunteer may not be subject to the Non-Fingerprint Criminal Background Check. For the safety of the child and the elderly client, minors who volunteer must be supervised at all times by a responsible adult. This responsible adult must have a Non-Fingerprint Criminal Background Check through the Illinois State Police. The service provider assumes responsibility for all volunteers, whether adults or minors.

### Barrier Crimes

No employee or volunteer shall be permitted to work directly with clients if the results of the background check show the person has been convicted of one or more of the offenses listed in Barrier Crime Section. In addition, no person convicted of one or more of the barrier crimes shall have access to confidential client information including, but not limited to, addresses, Social Security numbers, financial information, etc.

Subsequent to the initial Non-Fingerprint Criminal Background Check, applicable employees and

volunteers will notify the employer with three (3) working days if convicted of one or more of the offenses listed in the Barrier Crime Section. Any employee or volunteer who provides misleading, erroneous or willfully deceptive information, or who fails to disclose a conviction will be immediately terminated from employment.

**Confidentiality**

Employers shall ensure that the use of information obtained from a criminal background check is restricted to determining suitability for employment and/or volunteer opportunities. In addition, all employers receiving background information regarding an individual shall maintain the confidentiality of such information. The information should not be used in violation of any applicable Federal or State equal opportunity law or regulation.

**Compliance with Criminal Background Checks Required by Other Entities**

Nothing in this policy shall supersede statutory mandates or administrative rules requiring criminal background checks of employees and/or volunteers engaged in activities under programs funded by other entities or co-funded by the Area Agency and other entities, e.g., the Illinois Health Care Worker Background Check Act which applies to health care employers, Federal Transit Administration regulations which apply to providers of public transportation, and regulations of the Corporation for National Community Service which apply to Senior Corps programs. The Area Agency will determine if such statutory mandates or administrative rules meet the Area Agency's minimum requirement of Non-Fingerprint Criminal Background Check through the Illinois State Policy. Service providers are to submit requests for consideration of accepting background checks from other entities in writing to the Area Agency.

**Effective Date**

Effective October 1, 2007, employers receiving grant and/or contract assistance from the Area Agency shall complete Illinois State Policy Non-Fingerprint Background Checks for all applicants offered paid or unpaid employment.

**Maintenance of Retention of Records**

Consumer Credit information (including criminal background checks shall be maintained in a locked file separate from records related to job performance. Access to such records shall be restricted according to confidentiality policy of the employer. Retention and destruction of personnel records shall follow federal and state requirements.

**Hold Harmless Clause**

The Area Agency is held harmless for any liability associated with this policy, including damages of any and all kinds, including, but not limited to attorney fees.

**Barrier Crime Section – Disqualifying Criminal Defenses of Public Act 91-0598 (amendment to Nursing Home Care Act regarding health care professionals)**

**720ILCS57-Criminal code of 1961:**

- 8-1.1 Solicitation of murder
- 8-1.2 Solicitation of murder for hire
- 9-1.0 First degree murder
- 9-1.2 Intentional homicide of an unborn child
- 9-2.0 Second degree murder
- 9-2.1 Voluntary manslaughter of an unborn child
- 9-3.0 Involuntary manslaughter and reckless homicide
- 9-3.1 Concealment of homicidal death
- 9-3.2 Involuntary manslaughter and reckless homicide of an unborn child
- 9-3.3 Drug induced homicide
- 10-1.0 Kidnapping
- 10-2.0 Aggravated kidnapping
- 10-3.0 Unlawful restraint
- 10-3.1 Aggravated unlawful restraint
- 10.4.0 Forcible detention
- 10.5.0 Child abduction
- 10.6.0 Aiding and abetting child abduction
- 11-6.0 Indecent solicitation of a child
- 11-9.1 Sexual exploitation of a child
- 11-19.2 Exploitation of a child
- 11-20.1 Child pornography
- 2-1.0 Assault
- 2-2.0 Aggravated assault
- 2-3.0 Battery
- 2-3.1 Battery of an unborn child
- 2-3.2 Domestic battery
- 12-4.0 Aggravated battery
- 12.4.1 Heinous battery
- 12.4.2 Aggravated battery with a firearm
- 12-4.3 Aggravated battery of a child
- 12-4-.4 Aggravated battery of an unborn child
- 12-4.5 Tampering with food, drugs, and cosmetics
- 12-4.6 Aggravated battery of a senior citizen
- 12-4.7 Drug induced infliction of great bodily harm
- 12-7.4 Aggravated stalking
- 12-11.0 Home invasion
- 12-13.0 Criminal sexual assault
- 12-14.1 Predatory criminal sexual assault of a child
- 12-19.0 Abuse and gross neglect of a long term care facility resident

- 12-21.0 Criminal neglect of an elderly or disabled person
- 12-21.6 Endangering the life or health of a child
- 12-32.0 Ritual mutilation
- 12-33.0 Ritualized abuse of a child
- 16-1.0 Theft
- 16-1.3 Financial exploitation of an elderly or disabled person
- 16A-3 Retail theft
- 17-3.0 Forgery
- 18-1.0 Robbery
- 18-2.0 Armed robbery
- 18-3.0 Vehicular hijacking
- 18-4.0 Aggravated vehicular hijacking
- 18-5.0 Aggravated robbery
- 19-1.0 Burglary
- 19-2.0 Residential burglary
- 19-3.0 Criminal trespass to residence
- 20-1.0 Arson
- 20-1.1 Aggravated arson
- 24-1.0 Unlawful use of weapons
- 24-1.2 Aggravated discharge of a firearm
- 24-1.5 Reckless discharge of a firearm
- 33A-2.0 Armed violence

720 ILCS 550/0 – Cannabis Control Act:

- 5.0 Manufacture or delivery of cannabis
- 5.1 Cannabis trafficking
- 5.2 Delivery of cannabis on school grounds
- 7.0 Persons under 18 years of age – delivery of cannabis to individuals under 18 by those 18 and over
- 9.0 Calculated criminal cannabis conspiracy

720 ILCS 570/401 – Illinois Controlled Substance Act:

- 401.0 Manufacture or delivery unauthorized by the Act (unlawful to manufacture or delivery, or possess with intent to manufacture or delivery, a controlled or counterfeit substance or controlled substance analog)
- 401.1 Controlled substance trafficking
- 404.0 Look-alike substances – manufacture, distribution, advertisement or possession
- 405.0 Calculated criminal drug conspiracy
- 405.1 Criminal drug conspiracy
- 407.0 Delivery of controlled, counterfeit or look-alike substances; persons under 18; truck stops or safety rest areas; school property; places of religious worship.
- 407.1 Persons 18 or older using, engaging or employing persons under 18 to deliver, controlled, counterfeit or look-alike substances.

720 ILCS 150/4 – Wrongs to Children Act; or

720 ILCS 115/53-Criminal Jurisprudence Act (Cruelty to Children)

DISQUALIFYING CRIMINAL OFFENSES OF PUBLIC ACT 93-0224 (Health Care Worker Background Check Act)

720 ILCS 57-Criminal Code of 1961:

12-3-3 Aggravated domestic battery

12-4.2-5 Aggravated batter with a machine gun or firearm with a silencer

16-2 Theft of lost or mislaid property

16G-15 Financial identity theft

16G-20 Aggravated financial identity theft

18-5 Aggravated robbery

20-1.2 Residential arson

24-1.1 Unlawful use or possession of weapons by felons

24-1.2-5 Aggravated discharge or a machine gun or firearm with a silencer

24-1.6 Aggravated unlawful use of a weapon

24-3.2 Unlawful discharge of firearm projectiles

24-3.3 Unlawful sale or delivery of firearms on the premises of any school

720 ILSC 250/-Credit Card & Debit Card Act:

Section 4 Receiving stolen credit cards or debit cards

Section 5 Receiving a credit or debit card with intent to use, sell or transfer

Section 6 Selling or buying a credit card

Section 8 Using a credit or debit card with the intent to defraud

Section 17.02 Fraudulent use of electronic transmission

720 ILCS ISO/Wrongs to Children Act:

Section 5.1 Permission of an act of criminal sexual abuse or criminal sexual assault on a child by the child's parent or guardian

225 ILCS 65/Nursing and Advanced Practice Nursing Act:

Section 10-5 Practices of nursing without a license