



COMMISSIONERS COURT COMMUNICATION

AGENDA DATE: June 7, 2013

CONSENT OR REGULAR: Consent

CONTRACT REFERENCE NO
(IF APPLICABLE): N/A

SUBJECT: Approve and authorize the County Judge to sign Form 2027, Home-Delivered Meals FFY 2014 Waiver Description, for submission to the Texas Department of Aging and Disability Services to authorize the delivery of fresh, chilled, or frozen meals to home delivered meal participants in our City-County Nutrition Program for the FY 14 fiscal year.

BACKGROUND/DISCUSSION OF TOPIC:

The County manages the El Paso City-County Nutrition Program, which provides congregate and home delivered meals to individuals 60 years of age and older. A major source of funding for home delivered meals comes from the Department of Aging and Disability Services (DADS). Each year, County staff prepares information to negotiate an amendment to its master contract with DADS for the reimbursement of home delivered meals. As part of this process, the County must request a waiver for any food service that deviates from the daily delivery of a meal. In prior years, the County submitted a waiver request to cover its holiday meal service. Last year, the County moved to an alternate day delivery schedule after it failed to meet the three (3) hour serving window. Continuing daily delivery of meals within the three-hour window would have greatly increased costs for home delivered meals. The County’s vendor contract caps an annual increase in rates to contain program costs. An expansion of the home delivered meal system would increase costs above maximum amount allowed for an annual increase in costs. A dramatic change in the pricing requires a re-bid of the contract. Rather than do that ahead of schedule, the County elected to continue its contract with its vendor and shift to an alternate day meal delivery system. This allows the vendor to deliver two meals, one hot and one chilled, on the same trip. The vendor can do this within existing pricing and meet the three-hour serving window requirement. The Form 2027 requires the signature of the individual that has authority to sign for the enterprise. In the County, that individual is the County Judge. This waiver is due no later than June 14, 2013.

FISCAL IMPACT: This allows the County to negotiate an amendment to its master agreement to receive reimbursement for home delivered meals.

PRIOR COMMISSIONERS COURT ACTION (IF ANY):

County Judge Escobar signed the Form 2027 during last year’s rate negotiations.

COUNTY ATTORNEY APPROVAL

The attached document has been given legal review by the El Paso County Attorney’s Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

COUNTY ATTORNEY:

LEGAL REVIEW:

LEGAL REVIEW NOTES (If Applicable):

DATE:

SUBMITTED BY:

Rosemarv V. Neill, Director

(915) 834-8201

Home-Delivered Meals
FFY 2014 Waiver Description

Name of Legal Entity El Paso County	Director/Program Manager Rosemary V. Neill		
Mailing Address 800 E. Overland, Suite 208	City El Paso	State TX	ZIP 79901

Funding Source:
(Check all that apply.)

Title III Rio Grande Council of
AAA Name Governments/AAA

Title XIX

Title XX

Common provider?
(See form instructions.)

Yes **No**

This waiver description will be in effect for the period
10/01/2013 to 9/30/2014 (federal fiscal year (FFY) 2014).

What areas or locations will the waiver cover?

El Paso County

How many days per week will the provider deliver meals to an individual? (See minimum requirement in form instructions.) 3

For how many days per week will the provider deliver the following alternate meals to an individual? 1 frozen 3 chilled shelf-stable

How will food be kept frozen or chilled, as appropriate, while being transported?

Vendor uses a special vehicle with temperature control features that keep hot food hot and cold foods cold.

How many days per week will the provider contact an individual, including the day of meal delivery? 2 times per week/3 times per week for those authorized for a sixth day meal
(See minimum requirement in form instructions.)

Explain how the provider will contact an individual.

The provider divides the individuals into two routes for service. This enables the provider to have face to face contact with the meal recipient at least twice per week. If the individual is authorized to receive a sixth day meal, the provider sees the individual three times per week at their home with conjunction with food delivery.

What is the estimated average number of individuals to whom the provider will deliver hot and alternate meals each week? 1195

What percent is this of the total number of individuals to whom the provider delivers meals each week? 100%

What is the shortest distance from the meal preparation site to an individual to be served under the waiver? Less than one mile.

1. Describe the circumstances necessitating this waiver. (See form instructions for examples.)

The County's nutrition program serves 1,195 individuals. In order to meet the three hour serving window without dramatically increasing program costs, the provider uses an alternating day delivery schedule. This allows the vendor to provide a minimum of two meals for each trip to an individual's home by serving one hot for consumption on delivery day and a chilled meal for consumption on the following day. For holiday meal service, it may be necessary to deliver an additional meal to ensure the individual has sufficient meals during a time when cooking staff are on leave. Meal delivery schedules are adjusted for inclement weather as necessary to ensure receipt of a meals.

2. Alternate meals delivery and individual's eligibility.

A. Describe how the provider will ensure alternate meals are delivered to an individual who is not home to receive the hot and alternate meals on a scheduled delivery day.

The use of an alternate day delivery schedule allows for flexibility in the delivery of meals. If an individual has a recurring event, usually for medical services, the provider can alter the delivery schedule to ensure that he/she receives meals, hot and chilled and if authorized for a sixth day meal, a frozen meal. This allows us to serve the individual according to his/her needs.

B. Describe how the provider will ensure that a service claim is not submitted for alternate meals delivered to an individual for consumption on days DADS has determined the individual is ineligible for services or has suspended the individual's services.

Upon receipt of a Form 2067 or 2101 from DADS staff, the County suspends meal service to avoid serving an ineligible client. Meal service is not resumed until DADS authorizes continuation of service.

Assurances

In submitting this waiver description to the Texas Department of Aging and Disability Services (DADS), Access and Intake Division, the entity requesting this waiver assures continuing compliance under the waiver with the following requirements.

1. If a common provider, the waived service description is the same for all funding sources – Title III, Title XIX, and Title XX.
2. The home-delivered meals provider has established policies and procedures to ensure:
 - a. An individual eligible to receive home-delivered meals is not denied services on the basis of the individual's inability to safely store and prepare a frozen or shelf-stable meal.
 - b. Significant changes in an individual's physical or mental condition or environment are reported in accordance with Title 40, Texas Administrative Code (TAC) §55.29 and §85.302(n)(1)(D)(iii).
 - c. The provider and every individual affected by the waiver has sanitary and safe conditions for storage, thawing and preparation of the meal (40 TAC §55.21(1), §85.302(k)(1) and §85.302(n)(1)(D)(i)).
 - d. The meal can be safely handled by an individual affected by the waiver, or by another available person if the individual is unable to do so (40 TAC §55.21(2) and §85.302(k)(2)).
 - e. All frozen meals are safely packaged and transported by the provider (40 TAC §55.23 and §85.302(l)-(m)).
 - f. Compliance with 25 TAC, Chapter 229, Subchapter K, concerning Texas Food Establishments, Texas Department of State Health Services rules, to ensure all potentially hazardous foods are: properly frozen and stored (25 TAC §229.164(l) and (o)); prepared, stored and clearly marked using calendar dates (25 TAC §229.164(o)(6)); cooled quickly within two hours to 70 degrees Fahrenheit, and to 41 degrees Fahrenheit in an additional four hours, not to exceed a total of six hours (25 TAC §229.164(o)(4)(A) and (B)); and remain frozen until ready for the thawing or cooking process (25 TAC §229.164(o)(1)-(3)).
3. In the event an individual becomes ineligible for the Home-Delivered Meals Program for any reason (that is, loss of eligibility, relocation, nursing home placement, death) and the provider has requested payment for meals delivered past the date of the individual's ineligibility, the provider will reimburse the AAA or DADS for all such meals for which it has received payment.

El Paso County

Legal Name of Provider

Veronica Escobar, County Judge

Printed/Typed Name – Signature Authority

Signature – Signature Authority

June 10, 2013

Date