

State Plan Guidance Attachment B

INFORMATION REQUIREMENTS

IMPORTANT: States must provide all applicable information following each OAA citation listed below. Please note that italics indicate emphasis added to highlight specific information to include. The completed attachment must be included with your State Plan submission.

Section 305(a)(2)(E)

Describe the mechanism(s) for assuring that preference will be given to providing services to older individuals with greatest economic need and older individuals with greatest social need, (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas) and include proposed methods of carrying out the preference in the State plan;

The Division of Long Term Services and Supports works 23 fully staffed and 3 itinerate local field offices, 5 Aging and Disability Resource Connections (ADRC) Call Centers, 5 Medical Review Team Nurses and 6 Local Long Term Care Ombudsmen which strategically provide statewide coverage. Having 26 local office dispersed throughout the State helps to ensure that preference will be given in providing services to older individuals with the greatest economic and social need and older individuals residing in rural areas. South Dakota has only two standard Metropolitan communities (Sioux Falls and Rapid City), the remainder of the state is considered either rural or frontier. Since a majority of our state is considered rural or frontier, the distribution of 26 local LTSS offices, ensures preference is being given in providing services to older individuals residing in rural areas. LTSS has offices on or adjacent to the following Native American Tribal Areas; Bear Butte, Crow Creek, Cheyenne River, Flandreau, Lower Brule, Pine Ridge, Rosebud, Standing Rock, Sisseton Wahpeton, and Yankton. The counties which make up some of these tribal areas are among some of the poorest counties in the nation, the accessibility of LTSS offices adjacent to these areas ensures preference is being given in providing services to low-income minority older individuals. There are significant populations of refugees living in cities and towns throughout the state, the Division enjoys a good working relationship with the following entities to ensure a preference is being given to older individuals with limited English proficiency or individuals with Sensory Impairments: Lutheran Social Services, which provides interpreter services, Interpret Talk, Website Interpreter Services, Local High Schools, English as a Second Language programs, Local College and Universities, Tribal Agency staff members, Multi-Cultural Centers, A to Z World Languages, Department of Social Services, Communications for the Deaf, Relay South Dakota, Division of Services to the Blind and Visually Impaired, and ISI for Sign Language.

Screening methodologies are employed to ascertain that the individuals receiving preference for assistance are either elderly or adults with disabilities and in most need. Service is provided in all counties, including all tribal lands. Oglala Lakota County is entirely within the Pine Ridge Indian Reservation and contains part of Badlands National Park. The Oglala Lakota County's median household income makes it the forty-eighth poorest county in the United States. According to the US 2010 Census Bureau, 2007 – 2011, Oglala Lakota County is home to a population of which 53.5% are below poverty level.

LTSS supplements Title VI tribal nutrition programs on four of South Dakota’s reservations. In addition, the South Dakota Title III nutrition program operates meal sites at additional sites on or in close proximity to tribal lands.

Tribal Nutrition Site	2013 Title III C Contracted Meals	2014 Title III C Contracted Meals	2015 Title III C Contracted Meals	2016 Title III C Contracted Meals
Cheyenne River	5720	5720	5720	5720
Rosebud	29333	29333	29333	29333
Sisseton - Wahpeton	4180	4180	4180	4180
Standing Rock	4180	4180	4180	4180

Section 306(a)(17)

Describe the mechanism(s) for assuring that each Area Plan will include information detailing how the Area Agency will coordinate activities and develop long-range emergency preparedness plans with local and State emergency response agencies, relief organizations, local and State governments and other institutions that have responsibility for disaster relief service delivery.

The Office of Emergency Management is charged with the overall mission of protecting South Dakota’s citizens and their property from the effects of natural, manmade, and technological disasters. To fulfill this mission, the office recognizes and utilizes the four phases of emergency management: Preparedness; Response; Recovery; and Mitigation. The South Dakota State Emergency Operations Plan is a product of the Office of Emergency Management with the main purpose of assisting state government agencies in responding to an emergency or disaster when it exceeds the local government’s capability to respond. Emergency or disaster conditions may require state agency personnel to perform their normal duties under unusual circumstances and normal functions that do not contribute to the emergency operations may be suspended or redirected for the duration of the emergency. The South Dakota State Emergency Operations Plan establishes policy for state government agencies in their response to the threat of natural, technological, or national security emergency/disaster situations. It documents the policies, concept of operations, organizational structures and specific responsibilities of state agencies in their response to provide for the safety and welfare of its citizens and addresses the need for preparedness, response, recover, and mitigation activities to enhance the State’s overall capability to cope with potential hazards. It is the responsibility of each state agency to respond in a manner consistent with its capabilities as identified and agreed to in the South Dakota State Emergency Operations Plan. The South Dakota Department of Human Services’ Continuity of Operations Plan (COOP) establishes policy and guidance to ensure the execution of the mission-essential functions for the Department in the event that an emergency threatens or incapacitates operations. Specifically, the plan is designed to: ensure that the Department is prepared to respond to emergencies, recover from them, and mitigate against their impacts; ensure that the Department is prepared to provide critical services in an environment that is threatened, diminished, or incapacitated; provide timely direction, control, and coordination to department leadership and other critical customers before, during, and after an event or upon notification of a credible threat; establish and enact time-phased implementation procedures to activate various components of the plan; facilitate the return to normal operating conditions as soon as practical, based on circumstances and the threat environment; ensure that the plan is viable and operational, and is compliant with all guidance documents; ensure that the plan is fully capable of addressing all types of emergencies, or “all hazards” and that mission-essential functions are able to continue with minimal or no disruption during all types of emergencies.

The Office of Emergency Management maintains a Duty Officer Program which provides assistance to county emergency managers with the location and acquisition of resources and provides state agencies with information regarding current events as they relate to the agency mission requirements. The Duty Officer is on call 24 hours a day, seven days a week. The Duty Officer can be contacted by county emergency managers or by assigned state agency representatives whenever there is a need for state resources or assistance, including the National Guard. The Department maintains a “wallet card” to be carried by Department leadership which provides up to date contact information for all leadership positions within the Department. When contacted by the Office of Emergency Management Duty Officer, the Secretary of the Department will contact Division leaders to engage and inform staff members of their respective Division regarding the need for emergency operations.

The Office of Emergency Management also makes available brochures for public education on severe weather/storms, winter weather preparedness, family communications planning and the SD Be Ready program, which provides checklists and preparation guides to prepare individuals for a range of disaster or emergency conditions. Natural disasters, epidemics or major emergencies may require a person to isolate themselves and their family from others for a period of time. This program provides information on being informed, being ready and staying safe.

Examples of the system at work are:

- When flood conditions are identified in a South Dakota community, an emergency operations plan is activated and pre-selected staff members from several different state agencies travel to the affected community to offer support and services directly in a door-to-door campaign.
- When flood conditions are identified in a neighboring state, an emergency operations plan is activated and pre-selected staff members from several different state agencies coordinate assistance with relocation of affected residents.
- When severe cold weather is projected, a call is made from the Duty Officer to the Secretary of the Department of Human Services. Within a short period of time, a message is transmitted to all field offices of Long Term Services and Supports—and to the Elderly Nutrition Projects warning of the severe cold forecast and to check with individuals at risk and assure an adequate supply of emergency “heater” meals are on hand.

Section 307(a)(2)

The plan shall provide that the State agency will ---

(C) specify a minimum proportion of the funds received by each area agency on aging in the State to carry out part B that will be expended (in the absence of a waiver under sections 306 (c) or 316) by such area agency on aging to provide each of the categories of services specified in section 306(a)(2). (Note: those categories are access, in-home, and legal assistance. Provide specific minimum proportion determined for each category of service.)

South Dakota does not utilize Area Agencies on Aging.

Section 307(a)(3)

The plan shall--

(B) with respect to services for older individuals residing in rural areas--

(i) provide assurances the State agency will spend for each fiscal year not less than the amount expended for such services for fiscal year 2000.

(ii) *identify, for each fiscal year to which the plan applies, the projected costs of providing such*

services (including the cost of providing access to such services); and

(iii) describe the methods used to meet the needs for such services in the fiscal year preceding the first year to which such plan applies.

The following table illustrates the amount of Title III funds expended on the specified categories (Transportation – access to services, Case management – In home services, and Legal assistance) over the last three federal fiscal years.

Title III Funds	FFY 2013	FFY 2014	FFY 2015	FFY 2016
Transportation	\$ 341,966	\$ 343,096	\$ 338,484	\$ 336,912
Case Management	\$ 1,665,245	\$ 1,525,136	\$ 1,426,068	\$ 1,323,002
Legal Assistance	\$ 110,793	\$ 102,982	\$ 119,748	\$ 114,223

Actual spending:

Services	2000 Base Federal Only	FY 2013 Federal Only	FY 2014 Federal Only	FY 2015 Federal Only	FY 2016 Federal Only
Transportation	\$ 297,958	\$ 341,966	\$ 343,096	\$ 338,484	\$ 336,912
Case Mgmt	\$ 901,060	\$ 1,665,245	\$ 1,525,136	\$ 1,426,068	\$ 1,323,002
Legal Assistance	\$ 84,203	\$ 110,793	\$ 102,982	\$ 119,748	\$ 114,223

The above mentioned program spending is 20%, 53% and 66% respectively above the base spending. The State agency has methodologies in place to assure the spending will remain at or above the expended funding for the services listed for fiscal year 2000.

South Dakota's projected spending for FY2017 – FY 2021

Services	FY2017	FY2018	FY2019	FY2020	FY2021
Transportation	\$ 337,475	\$ 337,475	\$ 337,475	\$ 337,475	\$ 337,475
Case Mgmt	\$ 1,309,772	\$ 1,296,674	\$ 1,283,707	\$ 1,270,870	\$ 1,258,161
Legal Assistance	\$ 115,365	\$ 116,519	\$ 117,684	\$ 118,861	\$ 120,050

South Dakota has only two standard Metropolitan communities (Sioux Falls and Rapid City), the remainder of the state is considered either rural or frontier.

In FY2016, the State met the needs by utilization of contracts with transportation and legal service providers and by the existence of 26 local Adult Services and Aging (ASA) offices dispersed throughout the State. Every county in the State is covered by one of the 26 local ASA offices.

Section 307(a)(10)

The plan shall provide assurance that the special needs of older individuals residing in rural areas are taken into consideration and shall describe how those needs have been met and describe how funds have been allocated to meet those needs.

Since a majority of our state is considered rural or frontier and there are the distribution of 26 local LTSS offices, ensures preference is being given in providing services to older individuals residing in rural areas. See above: Section 305(a)(2)(E) and Section 307(a)(3)

Section 307(a)(14)

(14) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

(A) *identify the number of low-income minority older individuals in the State, including the number of low income minority older individuals with limited English proficiency; and*

(B) *describe the methods used to satisfy the service needs of the low-income minority older individuals described in subparagraph (A), including the plan to meet the needs of low-income minority older individuals with limited English proficiency.*

Comment [FD1]: Will need to gather this information for FFY 2016.

See above: Section 305(a)(2)(E) and Section 307(a)(3). LTSS has offices on or adjacent to the following Native American Tribal Areas; Bear Butte, Crow Creek, Cheyenne River, Flandreau, Lower Brule, Pine Ridge, Rosebud, Standing Rock, Sisseton Wahpeton, and Yankton. The counties which make up some of these tribal areas are among some of the poorest counties in the nation, the accessibility of LTSS offices adjacent to these areas ensures preference is being given in providing services to low-income minority older individuals. There are significant populations of refugees living in cities and towns throughout the state. The Division works with entities such as Lutheran Social Services, which provides interpreter services, Interpret-Talk, local English as a Second Language programs, Multi-Cultural centers and others to ensure services are being provided to those individuals with limited English proficiency. Additionally, the Division of LTSS plans to satisfy the services needs of the low income minority older individuals by: collaborating with organizations representing diverse communities to promote long term services and supports; Providing outreach to rural, ethnic, culturally diverse and low income communities to increase awareness; Expand the areas of service by creating or expanding to reach these individuals; Continue and improve collaboration and outreach to the Native American Tribal areas. In an effort to satisfy the service needs of low income older individuals with limited English proficiency Department has taken steps to ensure access by diversifying the website access with various language options and including various language options with brochures that are distributed.

Section 307(a)(21)

The plan shall --

(B) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this title (*title III*), if applicable, *and specify the ways in which the State agency intends to implement the activities*.

Please see the above section 305(a)(2)(E). LTSS has offices on or adjacent to the following Native American Tribal Areas; Bear Butte, Crow Creek, Cheyenne River, Flandreau, Lower Brule, Pine Ridge, Rosebud, Standing Rock, Sisseton Wahpeton, and Yankton. The counties which make up some of these tribal areas are among some of the poorest counties in the nation, the accessibility of LTSS offices adjacent to these areas ensures preference is being given in providing services to low-income minority older individuals. Additionally, the Division of LTSS plans to satisfy the services needs of the low income minority older individuals by: collaborating with organizations representing diverse communities to promote long term services and supports; Providing outreach to rural, ethnic, culturally diverse and low income communities to increase awareness; Expand the areas of service by creating or expanding to reach these individuals; Continue and improve collaboration and outreach to the Native American Tribal areas.

Section 307(a)(28)

(A) The plan shall include, at the election of the State, an assessment of how prepared the State is, under the State's statewide service delivery model, for any anticipated change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted.

(B) Such assessment may include—

(i) the projected change in the number of older individuals in the State;

- (ii) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;
- (iii) an analysis of how the programs, policies, and services provided by the State can be improved, including coordinating with area agencies on aging, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the State; and
- (iv) an analysis of how the change in the number of individuals age 85 and older in the State is expected to affect the need for supportive

An analysis by Abt and Associates in 2015, resulted in revised projections regarding the growth rate of the elderly and elderly with disabilities populations in South Dakota. The current projections are that the number of elders (>65) will increase by approximately 84% in the year 2035 relative to decennial Census totals in the year 2010, increasing to approximately 103,000 to 2226,000. The number of elders with disabilities will peak in 2030, increasing by about 33,000 to 85,000 or 71% higher than the decennial Census year 2010 total. By 2035, this number will fall slightly as the relative proportion of younger elderly individuals (65-74 years) increase in relation to the proportion of older elderly individuals (age 75+). Although growth rates for the elderly and elderly with disabilities populations have slowed relative to past projections, it remains the case that growth rates and associated demand for long term services and supports are not balanced across the state. Growth rates are projected to be higher West River than East River, and the regions including the two metropolitan areas of Sioux Falls and Rapid City continue to exhibit the fastest rates of anticipated growth as well as the largest growth in the overall number of elders. Nursing home capacity and utilization rates have continued to drop, both in South Dakota and nationwide. Although South Dakota's utilization rates remain higher than the national average, the drop in utilization between 2006 and 2011 indicates the gap is shrinking. South Dakota continues to have the 2nd fewest Medicare skilled home health episodes in the nation, with just over 5 episodes per 100 elderly individuals. Home and community based services are a critical component in allowing individuals to remain in the community. There has been no perceptible shift in availability of services, with services such as adult day, senior centers, nutrition programs, and homemaker services remaining at similar, relatively low levels. The Abt report concludes that:

“It is clear that recent policy changes in South Dakota as described in the introduction have successfully accelerated the decline in nursing home utilization, substantially reducing the gap relative to national utilization rates. Assisted living utilization has increased in parallel, but we do not observe concurrent increases in skilled Medicare home health or HCBS (home and community based services).

The results naturally lead to speculation on how the needs of individuals are being met in light of decreasing nursing home utilization without a correlating increase in the use of formal supports. Per the Department of Social Services, South Dakota ranked within the top five states nationwide in market penetration for private long term care insurance as of June 2013, potentially indicating on way in which residents are bridging the gap.”

The state continues to face the challenge of rebalancing long term services and supports in South Dakota through increased awareness of community based alternatives, enhancing and improving available supports and improving support for family caregivers. The full Abt and Associates report is available in Attachment G.¹

Section 307(a)(29)

¹ Abt Associates' analysis of South Dakota Data Center's Population Projections data, 2010 and American Community Survey (revised in 2015)

The plan shall include information detailing how the State will coordinate activities, and develop long-range emergency preparedness plans, with area agencies on aging, local emergency response agencies, relief organizations, local governments, State agencies responsible for emergency preparedness, and any other institutions that have responsibility for disaster relief service delivery.

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The Office of Emergency Management maintains a Duty Officer Program which provides assistance to county emergency managers with the location and acquisition of resources and provides state agencies with information regarding current events as they relate to the agency mission requirements. The Duty Officer is on call 24 hours a day, seven days a week. The Duty Officer can be contacted by county emergency managers or by assigned state agency representatives whenever there is a need for state resources or assistance, including the National Guard. The Department maintains a "wallet card" to be carried by Department leadership which provides up to date contact information for all leadership positions within the Department. When contacted by the Office of Emergency Management Duty Officer, the Secretary of the Department will contact Division leaders to engage and inform staff members of their respective Division regarding the need for emergency operations.

The Office of Emergency Management also makes available brochures for public education on severe weather/storms, winter weather preparedness, family communications planning and the SD Be Ready program, which provides checklists and preparation guides to prepare individuals for a range of disaster or emergency conditions. Natural disasters, epidemics or major emergencies may require a person to isolate themselves and their family from others for a period of time. This program provides information on being informed, being ready and staying safe.

Examples of the system at work are:

- When flood conditions are identified in a South Dakota community, an emergency operations plan is activated and pre-selected staff members from several different state agencies travel to the affected community to offer support and services directly in a door-to-door campaign.
- When flood conditions are identified in a neighboring state, an emergency operations plan is activated and pre-selected staff members from several different state agencies coordinate assistance with relocation of affected residents.
- When severe cold weather is projected, a call is made from the Duty Officer to the Secretary of the Department of Human Services. Within a short period of time, a message is transmitted to all field offices of Long Term Services and Supports and to the Elderly Nutrition Projects warning of the severe cold forecast and to check with individuals at risk and assure an adequate supply of emergency “heater” meals are on hand.

Section 307(a)(30)

The plan shall include information describing the involvement of the head of the State agency in the development, revision, and implementation of emergency preparedness plans, including the State Public Health Emergency Preparedness and Response Plan.

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leaders to engage and inform staff members of their respective Division regarding the need for emergency operations.

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Examples of the system at work are:

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- When flood conditions are identified in a neighboring state, an emergency operations plan is activated and pre-selected staff members from several different state agencies coordinate assistance with relocation of affected residents.
- When severe cold weather is projected, a call is made from the Duty Officer to the Secretary of the Department of Human Services. Within a short period of time, a message is transmitted to all field offices of Long Term Services and Supports and to the Elderly Nutrition Projects warning of the severe cold forecast and to check with individuals at risk and assure an adequate supply of emergency “heater” meals are on hand.

Section 705(a) ELIGIBILITY --

In order to be eligible to receive an allotment under this subtitle, a State shall *include in the State plan submitted under section 307--*

(7) a description of the manner in which the State agency will carry out this title in accordance with the assurances described in paragraphs (1) through (6).

(Note: Paragraphs (1) of through (6) of this section are listed below)

In order to be eligible to receive an allotment under this subtitle, a State shall include in the State plan submitted under section 307--

(1) an assurance that the State, in carrying out any chapter of this subtitle for which the State receives funding under this subtitle, will establish programs in accordance with the requirements of the chapter and this chapter;

(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, recipients of grants under title VI, and other interested persons and entities regarding programs carried out under this subtitle;

(3) an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;

(4) an assurance that the State will use funds made available under this subtitle for a chapter 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 the enactment of this subtitle, to carry out each of the vulnerable elder rights protection activities described in the chapter;

(5) an assurance that the State will place no restrictions, other than the requirements referred to in clauses (i) through (iv) of section 712(a)(5)(C), on the eligibility of entities for designation as local Ombudsman entities under section 712(a)(5);

(6) an assurance that, with respect to programs for the prevention of elder abuse, neglect, and exploitation under chapter 3--

(A) in carrying out such programs the State agency will conduct a program of services consistent with relevant State law and coordinated with existing State adult protective service activities for-

- (i) public education to identify and prevent elder abuse;*
- (ii) receipt of reports of elder abuse;*
- (iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and if the individuals to be referred consent; and*
- (iv) referral of complaints to law enforcement or public protective service agencies if appropriate;*

(B) the State will not permit involuntary or coerced participation in the program of services described in subparagraph (A) by alleged victims, abusers, or their households; and

(C) all information gathered in the course of receiving reports and making referrals shall remain confidential except--

- (i) if all parties to such complaint consent in writing to the release of such information;*
- (ii) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or*
- (iii) upon court order.*

The state of South Dakota has established programs in accordance with the requirements of chapter 307 and 705. The Division of Long Term Services and Supports as the State Unit on Aging (SUA) has established policies and procedures to ensure interested parties are encouraged and allowed access to provide input on programs provided through the Division. Public hearings are publicized and comments are taken into consideration and incorporated. When conducting outreach events the State Plan on Aging is distributed along with information on how to make comments.

The State assures that it does not permit cost sharing for and from the following:

- Information and assistance, outreach, benefits counseling, or case management services.
- Ombudsman, elder abuse prevention, legal assistance, or other consumer protection services.
- Congregate and home delivered meals.
- Any services delivered through tribal organizations.
- By a low-income older individual if the income of such individual is at or below the Federal poverty line.

The state of South Dakota does not consider any assets, savings, or other property owned by older individuals when defining low-income individuals who are exempt from cost sharing, when creating a sliding scale for the cost sharing, or when seeking contributions from any older individual.

The State Adult Protection program provides public education to help individuals identify and prevent elder abuse; receives reports of elder abuse; makes referrals to Law Enforcement, the Attorney General's office, South Dakota Advocacy, Veterans Administration, and the Social Security Administration as needed and appropriate. Policy is in place to ensure all information and records are kept confidential. The only time records are disclosed is upon receipt of a court order.