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April 30, 2018

Office of Information and Regulatory Affairs, OMB  
Attention: OMB Desk Officer for ACL  
New Executive Office Bldg., 725 17<sup>th</sup> St. NW  
Room 10235, Washington, DC, 20503

**RE: Public Comment Request; Older Americans Act Title III and Title VII (Chapters 3 and 4) Annual State Program Reporting (Annual Performance Data Collection); OMB Approval 0985-0008.**

Submitted electronically via: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov)

On behalf of the National Association of States United for Aging and Disabilities (NASUAD), I am writing in response to the Public Comment Request on revisions to the State Program Report (SPR) required under the Older Americans Act (OAA). NASUAD is a nonpartisan association of state government agencies and represents the nation's 56 state and territorial agencies on aging and disabilities. We work to support visionary state leadership, the advancement of state systems innovation, and the development of national policies that support home and community-based services (HCBS) for older adults and persons with disabilities. Our members administer a wide range of services and supports programs for older adults and people with disabilities, including programs under the OAA. Together with our members, we work to design, improve, and sustain state systems delivering HCBS for people who are older or have a disability and for their caregivers.

On April 2, 2018, the Administration for Community Living (ACL) submitted its proposed collection of information specifications to the Office of Management and Budget (OMB) regarding the State Program Report (SPR), which is required under the OAA.<sup>1</sup> As a part of this process there is a 30-day comment period for stakeholders to weigh in on the proposed changes.

NASUAD appreciates the opportunity to comment, and continues to support ACL's goals of:

- Reducing reporting burden and enhancing data quality;
- Modernizing the SPR data structure;
- Aligning data elements across data collections; and

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<sup>1</sup> <https://www.federalregister.gov/documents/2018/04/02/2018-06662/agency-information-collection-activities-submission-for-omb-review-public-comment-request-older>

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- Considering alternative data elements to reflect the current state of the Aging Network and long-term services and supports (LTSS).

NASUAD also appreciates the reduction in the total number of data elements under the proposed changes when compared to the current SPR.

As a state-based member association, NASUAD has a particularly keen understanding of state agency policies and programs. NASUAD was pleased to provide a robust set of comments to the previous 60-day comment period during the summer of 2017, and many of our recommendations are informed by our previous stances.<sup>2</sup> Based upon conversations with states, NASUAD identified specific components of the SPR redesign that may be challenging.

### **Timeline:**

NASUAD appreciates that ACL has delayed the full implementation date for the new SPR until Federal fiscal year 2020 (FFY2020). However, we continue to have concerns that this is an overly ambitious timeline, and does not fully account for the fiscal, system-change, and data challenges that states will face with implementing the new system. ACL intends on publishing data and system specifications in October 2018, and begin collecting data in the new system on October 2019. A year is not an adequate amount of time for states to analyze the new specifications, provide proper training, all whilst updating or even potentially procuring a new system.

### *Recommendation:*

NASUAD continues to recommend that the implementation date be pushed back until Federal fiscal year 2021 (FY21), which begins October 1, 2020.

### **Fiscal Challenges:**

NASUAD appreciates ACL's efforts regarding the SPR redesign to modernize OAA information collection and data management capacity. States have expressed concern that implementing these changes may lead to regrettable but necessitated reductions in services as funding may need to be diverted to support the new processes and procedures required. States may incur further expenditures in order to implement the proposed changes and bring their IT systems into compliance.

Additionally, the short implementation timeline is incongruent with state fiscal years. As mentioned, states may require additional funding to implement the proposed changes to the SPR and, given the current budget and fiscal environment in many states across the

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<sup>2</sup> <http://nasuad.org/sites/nasuad/files/NASUAD%20Comment%20Letter%20on%20SPR%20Redesign.pdf>

country, state governments may not have the resources to appropriate additional funding to support these redesign efforts.

*Recommendation:*

NASUAD recommends providing additional administrative dollars in order to implement SPR changes thereby avoiding cuts to key services. This would also ease concerns regarding the incongruence of the implementation timeline with state fiscal years.

**System-Change Challenges:**

We note that changes of this magnitude are likely to strain already heavily burdened state and local service delivery systems. These proposed changes will also require significant behavioral changes at state and local levels. Although many state contracts with IT contractors may accommodate systems modifications at no additional cost if they are required by ACL, this is often not the case for Area Agencies on Aging (AAAs). Furthermore, these changes will require assessment tool modifications and training on using these revised tools, changes in the data being collected, and the data system functionality at the state, AAA, and local level.

*Recommendation:*

NASUAD strongly recommends that ACL provide adequate training, technical assistance, and support to both states and AAAs to facilitate the necessary change management associated with new data collection required under this proposal.

**Data Challenges:**

We recognize that the SPR redesign includes stated goals to reduce the overall burden of data collection. We encourage ACL to continue streamlining the SPR dataset to reduce unnecessary duplication of effort and decrease the amount of time required to collect all of the required information while maintaining the ability to perform robust analyses on OAA services and beneficiaries.

While we appreciate that ACL has reduced the number of data elements by 70 percent compared to the current SPR, the enhanced granularity of some of the items pose challenges for state data collection efforts. Most notable are the proposed changes to the distinctions between different types of respite care. The proposed changes would split respite care into four different sub-categories, namely:

- In-home (day);
- Out-of-home (day);
- Out-of-home (overnight);

- Type other.

As we mentioned in our earlier comments on the SPR redesign, NASUAD believes that this level of granularity may not be appropriate for OAA services. Based upon feedback from membership, even states with large populations reported concerns about the breakout of these types of services leading to data that is so specific and disaggregated that it is largely unusable. In fact, requiring these distinctions may actually lead such services to be called into question or viewed as unimportant due to the low number of individuals utilizing each distinct service type. This perception could undermine the high amount of value these services provide to participants even if relatively few individuals receive each discrete form of respite.

*Recommendation(s):*

Maintain current Respite Service definitions and data collection elements.

**Legal Assistance:**

NASUAD's members have some concerns about the establishment of legal assistance as a restricted service for which demographic data is required. ACL proposes to define a Restricted service as:

“A service, like legal services, in which demographic information is reported in aggregate, but no Personally Identifiable Information (PII) is included. The data are comprised of aggregated, de-identified information”.

We appreciate the goal to improve data regarding those people who benefit from the legal assistance services; however, it is important to recognize that from a State perspective, implementing changes such as this requires significant change management as well as stakeholder engagement. Legal assistance is an OAA service that typically has a limited number of individuals and entities willing to deliver services, and states have concerns that additional data collection requirements could further reduce the availability of providers. States that have begun to collect some of this information reported a lengthy process of generating buy-in from the provider community and allowing those providers to have a say in the nature of the information collected as well as the process for doing so. NASUAD and its members are concerned that a new, national, data collection mandate will undermine some of the previous efforts by altering the agreements that were made. This mandate could simultaneously create discord with providers who operate in states without data collection requirements, but who will now have a greater amount of administrative burden in order to collect and report this information. Additionally, individuals who are seeking legal assistance may not wish to divulge any information that has the perception of personally identifiable even if the intent is to provide deidentified information due. A requirement to collect such information could lead to individuals choosing to forego getting legal assistance.

*Recommendation:*

Legal services should remain an unregistered service for the purposes of SPR data reporting. ACL should work with states who have begun the process of demographic data collection to evaluate the successes, develop best practices, and disseminate opportunities to improve collection. All efforts to increase the data collection should consistently and frequently engage legal service developers and providers across the country to ensure that their needs are being met and prevent any provider attrition due to these activities.

**Outcomes versus Outputs:**

NASUAD appreciates the well-intentioned and thoughtful approach that ACL has taken with regard to the SPR redesign, and also agrees that a redesign is necessary. We note that many of the measures currently collected under the current SPR, as well as those within the proposed changes, are output or process measures. Many of our states are examining their data collection processes and attempting to identify outcomes measurement. Outcomes measurement refers to the assessment and evaluation of the impact of LTSS provided to consumers. While the collection of these types of output measures is necessary for efficient and effective program administration, states are interested in evolving data collection to identify effective program outcomes, including reductions of hospitalizations, decreases in nursing home placements, and increases in overall physical, mental, and emotional health and wellbeing.

*Recommendation:*

NASUAD recommends that ACL facilitate a national discussion about outcome measurement in OAA programs. This should include a process for securing input from states, AAAs, providers, participants, and stakeholders into the best way to demonstrate outcomes from OAA services. Additionally, we encourage ACL to work with Congress to obtain funding and direction for the piloting of some outcome measurement activities.

If you have any questions regarding this letter, please feel free to contact Adam Mosey of my staff at [amosey@nasuad.org](mailto:amosey@nasuad.org) or (202) 898-2578.

Sincerely,



Martha A. Roherty  
Executive Director  
NASUAD