

AGENDA
ADVISORY COMMITTEE ON AGING
Friday, August 25, 2023
11:00 a.m. – 12:55 p.m.
Via Webinar

- 1 11:00 Call to Order and Introductions
- 2 11:05 Public Comment
Up to 45 minutes is allocated now for public comment and each speaker will be limited to 3 minutes. If there are additional requests from the public to address the Committee, time will be allocated at the end of the meeting to complete public comment.
- 3 11:10 Report of the Chair – Karie Erickson
- 4 11:20 Report of the AAA Director – Jayla Sanchez-Warren

CONSENT AGENDA

- 5 11:40 Move to Approve Consent Agenda
 - Minutes of June 23, 2023, meeting.
(Attachment A)

INFORMATIONAL BRIEFINGS

- 6 11:45 Briefing on New Accessibility Requirements and the Effects on the AAA – Ashley Summers
(Attachment B)
- 7 12:25 DRCOG Board Report
- 8 12:35 County Reports

ADMINISTRATIVE ITEMS

- 9 **The next meeting is September 22, 2023, and will be held in person.**
- 10 12:45 Other Matters by Members
- 11 12:55 Adjourn

Attendees can request additional aids or services, such as interpretation or assistive listening devices, by calling 303-480-6723 or emailing mpatton@drcog.org. Please notify DRCOG at least 48 hours in advance so we can coordinate your request.

AAA Acronym Quick List

ACL/AOA	Administration for Community Living/Administration on Aging
ACO	Accountable Care Organization
ADA	Americans with Disabilities Act
ADL	Activities of Daily Living
ADRC	Aging and Disability Resource Center
AHC	Accountable Health Communities
CAC	Citizens Advisory Committee
CASOA	Community Assessment Survey for Older Adults
CCT	Colorado Choice Transitions
CMS	Centers for Medicare and Medicaid Services
COA	Council on Aging
DCOA	Denver Commission on Aging
DORA	Department of Regulatory Agencies
DOLA	Department of Local Affairs
DRMAC	Denver Regional Mobility and Access Council
F&B	Finance and Budget Committee
GIS	Geographic Information System
HB	House Bill
HCPF	Health Care Policy and Financing
HIPAA	Health Insurance Portability and Accountability Act
HTP	Hospital Transformation Project
I&A	Information and Assistance
JBC	Joint Budget Committee
LTC	Long Term Care
MDS	Minimum Data Set
MIPPA	Medicare Improvement for Patient and Providers Act
MOU	Memorandum of Understanding
NASUAD	National Association of States United for Aging and Disabilities
OAA	Older Americans Act
PACE	Program of All-Inclusive Care for the Elderly
PHI	Personal Health Information
RFP	Request for Proposal
RFQ	Request for Qualifications
ROD	Record of Decision
RTC	Regional Transitions Committee (Aging)
RTC	Regional Transportation Committee*(Transportation)
SAPGA	Strategic Action Planning Group on Aging
SB	Senate Bill
SHIP	State Health Insurance Assistance Program
SMP	Senior Medicare Patrol
SRC	Seniors' Resource Center
SUA	State Unit on Aging
VDC	Veterans Directed Care
VOA	Volunteers of America

ATTACH A

**ADVISORY COMMITTEE ON AGING
MEETING SUMMARY
Friday, June 23, 2023**

Members Present

Ada Anderson	Douglas County
Barbara Boyer	Arapahoe County
Bob Brocker	At Large – Denver
Chris Lynn	Jefferson County
Connie Ward	Jefferson County
Dawn Perez	Adams County
Gretchen Lopez	Douglas County
Jim Dale	Former DRCOG Board – Golden
Houston “Tex” Elam	At Large – Arapahoe County
Karie Erickson	Douglas County
Phil Cernanec	At Large – Arapahoe County
Shari Haidvogl	Clear Creek
Steve Conklin	DRCOG Board – Edgewater
Tom Mahowald	DRCOG Board – Nederland
Valerie Robson	At Large – Jefferson County
Wynne Shaw	DRCOG Board – Lone Tree

Guests Present

Allison Cutting, Douglas County

DRCOG Staff Present

AJ Diamontopoulos, Senior Management Analyst, Ashley Bolton, Ombudsman, Caitlin Phillips Ombudsman, Cindy Grainger, ADRC Administrative Assistant, Desiree Boelte SHIP Program Manager, Donnita Daniels, Aging Services Counselor, Doug Rex, DRCOG Executive Director, Erika Dubray, Community Resource Manager, Ines Rosas , Veterans Program Manager, Ivan Sosa, Case Manager, Jayla Sanchez- Warren, AAA Division Director, Jennifer Reeves, Veterans & Community Options Manager, Jennifer Serna, Veterans Case Manager, Jennifer Serna, Veterans Case Manager, Jenny Castle, Resource and Q&A Coordinator, Julianna Malchman, Integrated Health Navigator, Kelly Roberts, Community Resource Specialist, Kris Boggs, Ombudsman, Mason Green, AAA Grant Specialist, Milena Sapp, Integrated Health Navigator, Mindy Patton, Division Assistant, Paul Belcher, SHIP Counselor, Rene Hickman, Ombudsman, Rich Mauro, Director Legislative Affairs, Seema Mallory, Veterans Case Manager, Shannon Gimbel, Ombudsman Manager, Sharon Day, Manager AAA Business Operations, Travis Noon, Program Manager AAA Grant Compliance

Karie Erickson Committee Chair – Called the meeting to order at 11:02 a.m.

Public Comment Period (Non-ACA Members)

There was no public comment.

Report of the Chair – Karie Erickson

Chair Erickson wanted it to be noted that Allison Cutting of Douglas County appreciated DRCOG and the work they do for older adults.

Report of the AAA Director – Jayla Sanchez-Warren

- Jayla spoke about the trip she took to Washington D.C. with Doug Rex, Rich Mauro, and Ron Papsdorf. The goal of the trip was to meet with new members and educate their staff.
 - She reminded the legislative members that Colorado was a fast-aging state, and she discussed the changing demographics, which they were quite interested in.
 - Ron Papsdorf went over projects that DRCOG was working on.
 - Jayla asked for legislative support on:
 - The Elder Justice, Reauthorization and Modernization Act. This act would bring increased funding to the Ombudsman program and would bring funding to address social isolation.
 - The Farmers Bill that funds SNAP benefits, Meals on Wheels, and elder nutrition programs.
 - The Elizabeth Dole Act reauthorization as it relates to an increase in the Veterans Direct Program.
 - The Chronic Care Bill, which is just beginning the legislative process and will provide money for community-based services like transportation, nutrition, and material aid.
- The Older Americans Act is up for re-authorization in 2024. Jayla would like to get more flexibility in the funding rules and is on the ACA new model work group to make recommendations. They would like to add more programs but without funding increases it would not be affordable.
- Jayla mentioned that there was a group working on an advocacy plan. They are getting together an awareness program with a consolidated message which will include handout materials, and contractors input. With this effort they hope to get funding added into the Governor's budget for all AAA's in the state.

Move to approve consent agenda

Items on the consent agenda included: April 28 and May 9, 2023, meeting summaries.

Barbara Boyer motioned for approval. Wynne Shaw seconded the motion; the consent agenda was unanimously approved.

Agendas and summaries are posted on the DRCOG website located at <https://drcog.org/calendar> from there choose the month and date of the meeting, click on the event. Once clicked, you will find the link to the meeting for that month.

Action Item

Discussion of cancelling the July 28, 2023, meeting

Karie Erickson asked for a motion to cancel the July 28th meeting. Tex Elam made the motion to cancel the meeting. Tom Mahowald seconded the motion; cancellation of the July meeting was unanimously approved.

Informational Briefings

ACA Survey Results – Kelly Roberts

- The ACA New Model workgroup is preparing draft revisions to the ACA committee guidelines to conform with new guidance associated with the Older Americans Act. The workgroup decided it would be helpful to have the ACA complete a survey on their involvement with ACA to assist with the revisions.
- Survey results:
 - Twenty ACA members received the survey, 14 submitted responses.
 - When asked how many years they had served on the ACA? Six said less than a year, four said six to ten years, two served 11 to 15 years and two served more than 15 years.
 - Ten responders interact with other organizations in their roles as ACA members. Collectively there were over 30 organizations they interact with showing members are very connected.
 - When asked how their organization benefited from serving on the ACA, survey responders mentioned passing along important aging issues to their partners and staff on services, resources, funding, legislation, and advocacy. This helps to align community and county organization goals with the AAA goals. It was also expressed that the ACA is a collective voice for the eight counties in the Denver region and are able to learn about the accomplishments and challenges of other programs in the region.
 - Results were similar in how members benefited personally. Responders felt the information they receive means they can actively assist seniors and other individuals in their communities. It gives them the opportunity to advocate and influence policies, be a voice for change and help to make the world a better place again.
 - Among those surveyed, there was a vast amount of expertise that they bring to the ACA such as Medicare, long-term care, transportation, insurance investigation, planning and development, bylaws and policy, housing, and nonprofit experience. There are many with leadership experience on the County Councils on Aging, former elected officials, and CEO's.
 - When asked what they would like to see the ACA do differently, responses were shorter meetings, more in person meetings, an annual retreat/summit, streamline process for new members, provider reports with handouts on services especially in underserved communities, more presentations by external experts, more participation from senior commissions, outreach to community organizations such as Rotary, Optimists, focus more on uniting groups for advocacy and educating elected officials, be more involved with supporting AAA efforts, more subcommittees for ACA members to serve on, information from DRCOG board members on how the AAA works within DRCOG's structure and how the ACA can be helpful to the DRCOG Board
- The survey generated some discussion among the group on ways the ACA can assist with messaging and sources to contact and educate. There was also discussion of in-person meetings.

Overview of the AAA Funding Process – Jayla Sanchez Warren and Sharon Day

- This topic was in response to a request from the ACA so they could understand the complexities of the AAA funding process.

- The process begins with a request for proposal solicitation which goes out in November with proposals from the solicitation due in January.
- Starting this year contract service requests were split so DRCOG only solicited half of the eligible services. The other half were asked to submit budget proposals for FY23/24 that would allow them to request more funds if they wanted but requests had to be within the current scope of what was already contracted.
- Requests were collected for approximately \$16.5 million and were allocated from the RFP proposals as well as from the previous contract commitments as outlined above.
- Criteria used to evaluate the RFP:
 - Need for Service.
 - Experience, performance, and capability.
 - Cost information.
 - Service outcomes.
 - Clarity, completeness, and responsiveness of proposal.
- Criteria for current contract commitments.
 - Similar criteria as for RFP.
 - Budget analysis including explanation of variances.
 - Changes in cost per client, cost per unit.
 - Contract performance and program changes.
- DRCOG does fund for-profit organizations based on a fee for service.
 - This pertains to voucher program contractors and the Nymbi Sciences.
 - There's no guarantee of any minimum or maximum number of clients that DRCOG would commit to sending them, but the provider agrees to provide the service at a negotiated rate.
 - DRCOG staff complete the intake assessment and are responsible for reporting the services to the State.
 - Approximately \$2.5 million is committed to those fee for service providers.
- The Funding Subcommittee scores the proposals.
 - Fifty percent of the funding follows the federal criteria set by the Older Americans Act outlined below.

Title III Part B	Access Services – including transportation, information & assistance; In-home Services – including chore, homemaker, personal care; Adult Day Care; Legal Assistance
Title III Part C1	Congregate Meals – including nutrition education and counseling
Title III Part C2	Home Delivered Meals – including nutrition education and counseling
Title III Part D	Evidence-based Disease Prevention/ Health Promotion
Title III Part E	National Family Caregiver Support Program
Title VII	LTC Ombudsman and Elder Abuse Prevention

- The State funding for senior services as well as the Homestead Act dollars can be allocated to any Older Americans Act eligible service and there is more flexibility with allocating those dollars. However, the State funds have priority because, unlike with Federal funds, any unspent dollars by the end of the fiscal year are forfeited. If funds are forfeited, it can affect the ability to get the same level of funding in the future. A limit of up to 10 percent can be carried over into the subsequent fiscal year, but it's not guaranteed.
- Part B funds have limited minimum allocations at least 25 percent must go to access services (e.g., transportation, I&A, and case management), 15 percent to in home services, and three percent to legal services.
- Remaining American Rescue Plan Act (ARPA) funds and remaining Homestead funds will expire in September of 2024.
- In addition, there is an ACA approved Maslow's hierarchy of needs shown below:

Maslow's hierarchy of needs



- Other considerations are looking at a contractors ability to provide the service, service cost relative to other contractors who are providing a similar type of service and historical performance. Their ability to complete the scope of work, look at what was originally requested and what was ultimately awarded, and any other additional funds that a contractor may have received during mid-year that were awarded to their contract.
 - Time line for RFP approval:
 - January – RFP closes, and proposal review process starts
 - February – Contract amendment review process is conducted
 - March – Funding subcommittee submits recommended funding to ACA for approval
 - April – DRCOG Board Finance and Budget committee approves funding allocations
 - May – State sends contract with final funding amounts allotted to DRCOG

- June – DRCOG contracts are executed by end of month
- July – Services for new state fiscal year commence

Legislative Update – Rich Mauro

- Due to the shortage of time Rich asked that the committee review the attachment in the packet for the status on bills at the close of session.
- Rich is currently working on advocacy for the next budget year with Jarett Hughes from the Governor's office and he is also trying to set up a meeting with joint budget committee staff persons.
- There was a lot of interest among the ACA for advocacy which Rich said will be needed.
- Jayla and Rich will inform the group in a future meeting of the progress being made in this effort.

Board Report – Steve Conklin and Wynne Shaw

Steve Conklin

- DRCOG Board Chair, Steve Conklin, said the DRCOG Board received a report on the RTD Northwest Rail Peak Service study. RTD is still working to develop this plan which would provide peak-hour commuter rail service to Longmont and other areas.
- The Board received an overview of the statewide transportation program distribution process. Steve said the metro Denver area will get about 30 percent of the State highway dollars.
- RTD will be carrying out their "Zero Fair for Better Air" campaign beginning July 1st and ending August 31st. During the campaign there will be no charge to ride light rail and buses.
- Wynne Shaw mentioned that Douglas County Commissioners were surveying the area after the previous night's tornado and asked Karie Erickson to inform her of any help that may be needed from her clients.

County Reports

Douglas County – Karie Erickson

- Douglas County will be holding a series of 11 listening tours starting in July. They will be going to different parts of the county to hear from older residents on what is most important, what Douglas County is doing right, and what they need to do better. They will compile the information from the sessions to see what changes they need to make.

Other Matters by Members

- Kelly Roberts reminded the group of a webinar that will be held on Monday, June 26th. They will be speaking on nutrition, the medical impact of nutrition, mapping food access and Project Angel Heart will give information on their program.

Next meeting – **In person September 22, 2023, location to be determined.**

Adjournment

The meeting was adjourned at 1:14 p.m.

ATTACH B

To: Chair and Members of the Advisory Committee on Aging

From: Ashley Summers, Director of Strategic Implementation

Meeting Date	Agenda Category	Agenda Item #
8/25/2023	Informational Briefing	6

SUBJECT

This presentation will discuss Colorado's new accessibility law, anticipated impacts to the Area Agency on Aging, and DRCOG's strategic approach to pursuing compliance.

PROPOSED ACTION/RECOMMENDATIONS

N/A

ACTION BY OTHERS

N/A

SUMMARY

The State of Colorado recently adopted new accessibility law with the passage of HB21-1110 and SB23-244. Rulemaking is expected to occur throughout the fall of 2023 and compliance is expected by July 2024. As written, the law has an extensive scope, including websites, applications, and digital documents that are external and internal-facing and includes historical as well as current and future information.

With guidance from the Governor's Office of Information Technology, DRCOG has developed an approach to address the opportunities and challenges presented by this law. This approach includes inventorying, assessing, and prioritizing DRCOG's websites and documents to determine how to proceed with remediation.

Additionally, DRCOG is pursuing strategies for mitigation of the negative impacts (such as penalties) and unintended consequences (such as communicating less) that we anticipate resulting from the new law. DRCOG is also planning to implement training and procedures to ensure newly created products comply.

Local governments and partner organizations can help DRCOG by supporting measures that maintain the spirit of the law while reducing its scope, so that compliance is achievable.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENT

ACA-23-08-25.pptx

ADDITIONAL INFORMATION

For additional information please contact Ashley Summers, Director of Strategic Implementation at asummers@drcog.org or 303-480-6746.

Colorado Accessibility Law

Opportunities and challenges

Ashley Summers, director of
strategic implementation

Colorado accessibility law

HB21-1110: Colorado Laws for Persons with Disabilities

More stringent than previous rules and exposes state and local government to penalties for non-compliance.

SB23-244: Technology Accessibility Cleanup

Reduces penalties to remove “per person, per incident” language. Did not reduce scope.

- Rulemaking – Fall/Winter 2023
- Deadline for compliance – July 1, 2024

Colorado accessibility law

“Every person who contributes content to a website or application; develops or manages IT products and services; and every government entity employee who creates and shares emails, documents or presentations is responsible for making it accessible to everyone.”

Governor’s Office of Information Technology
Operations memorandum on accessibility

Colorado accessibility law

Applies to **“any content that exists in digital form.”**

- External digital communications including, but not limited to, web, video, email messages and PDFs. (Anything created for the public.)
- Internal digital communications, documents and resources including, but not limited to, intranets, software, and tools. (Anything used by a DRCOG employee.)

No exemptions for technology developed by third parties.

Governor’s Office of Information Technology
Operations memorandum on accessibility

Colorado accessibility law

Individuals with a disability may bring a civil action against noncompliant government entities. Government entities found to have engaged in discrimination could be subject to:

- A **court order** requiring compliance.
- **Monetary damages.**
- **Attorney's fees.**
- A statutory fine of **\$3,500** per violation.

— Governor's Office of Information Technology
Operations memorandum on accessibility

Examples of accessibility considerations

- Use sufficient color contrast between text and background.
- Do not use color as the only way to convey information.
- Add alternative text (alt text) to visuals.
- Think about reading order.
- Avoid ableist language such as “as you can see.”
- Design simple tables without split, merged, or nested cells.
- Leverage accessible functionality already available such as:
 - Headings and styles
 - Bulleted and numbered lists
 - Save as accessible PDF

Options already
available in Microsoft
Word

DRCOG objectives

- Adhere to the spirit of the law by taking steps to **integrate accessibility** into how our organization functions.
 - Accessible communications don't just benefit people with disabilities, they're **better for everyone**.
- Comply with the letter of the law to **limit negative impacts** (like penalties).
- **Continue communicating** per our mandates.
- **Continue contracting** for community-based services.
- Use limited **resources** wisely.

Example: accessible publication

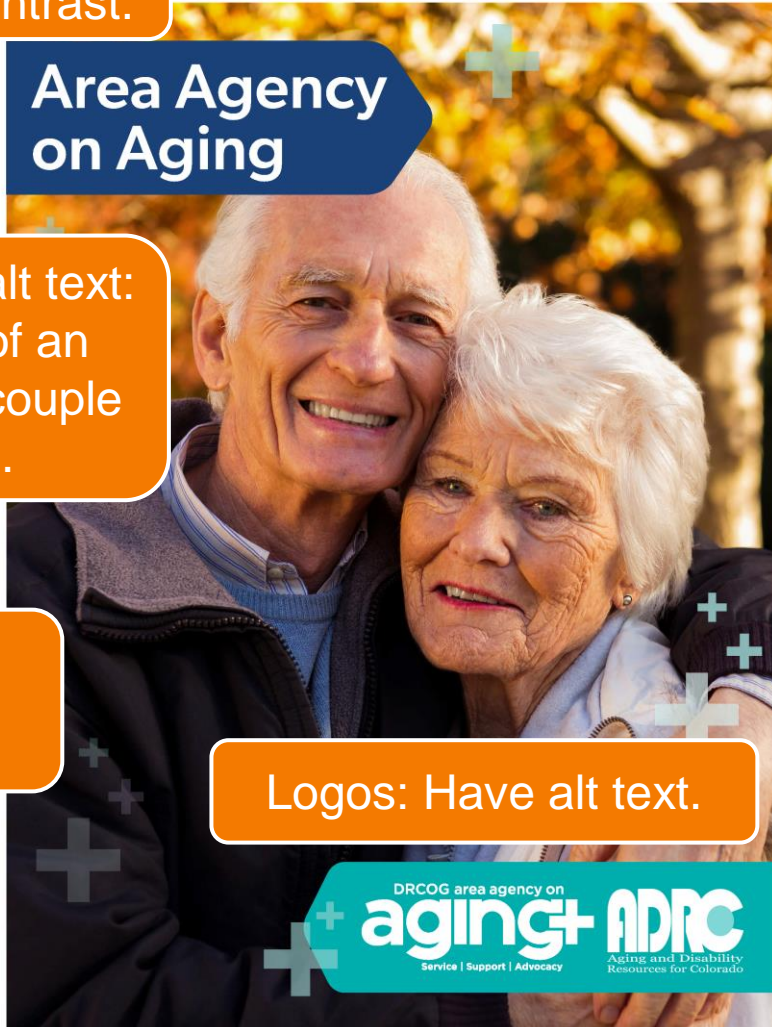
Text: White on navy has sufficient contrast.

Area Agency on Aging

Photo: Has alt text: Close-up of an older adult couple smiling.

Plus signs: Have been marked as artifacts.

Logos: Have alt text.



Community Options (Transitions) • 303-480-6838

Transitions counselors educate eligible Medicaid members living in nursing homes, regional centers and intermediate care facilities about community-based living options. Members receive options counseling to support decision-making and may enroll in Medicaid Transition Services.

Veteran-Directed Care • 720-278-2351

Veteran-Directed Care helps veterans of all ages live independently in their homes and communities. Area Agency on Aging case managers serve as the veteran's primary source of support, and can provide help for veterans who are isolated or whose caregiver is overburdened.

Case managers help veterans obtain services that allow them to live safely at home, including help with bathing, getting dressed, preparing meals and managing medications. Eligibility is determined through the Department of Veterans Affairs.

Older Adult Refugees and Friends • 303-480-6786

In partnership with the Colorado Refugee Service Program, DRCOG's elder refugee program helps older adult refugees decrease their social isolation, increase integration experiences and build community connections. Activities promote health,

Text: Dark teal on light teal has sufficient contrast.

The Denver Regional Council of Governments

is the federally designated Area Agency on Aging and Aging and Disability Resource Center for Colorado for eight counties: Adams, Arapahoe, Clear Creek, Douglas, Gilpin and Jefferson, the City and County of Broomfield, and the City and County of Denver.

DRCOG **connects** older adults, adults with disabilities and **information** and **services** to help them to remain in their **life** in long-term care facilities.

Text: White on dark teal has sufficient contrast.



Contact Us:

Don't know where to start? Call 303-480-6700 to speak with a community resource specialist. Assistance is available in multiple languages.

AreaAgencyOnAging@drcog.org
drcog.NetworkOfCare.org
drcog.org/aging

Setting expectations

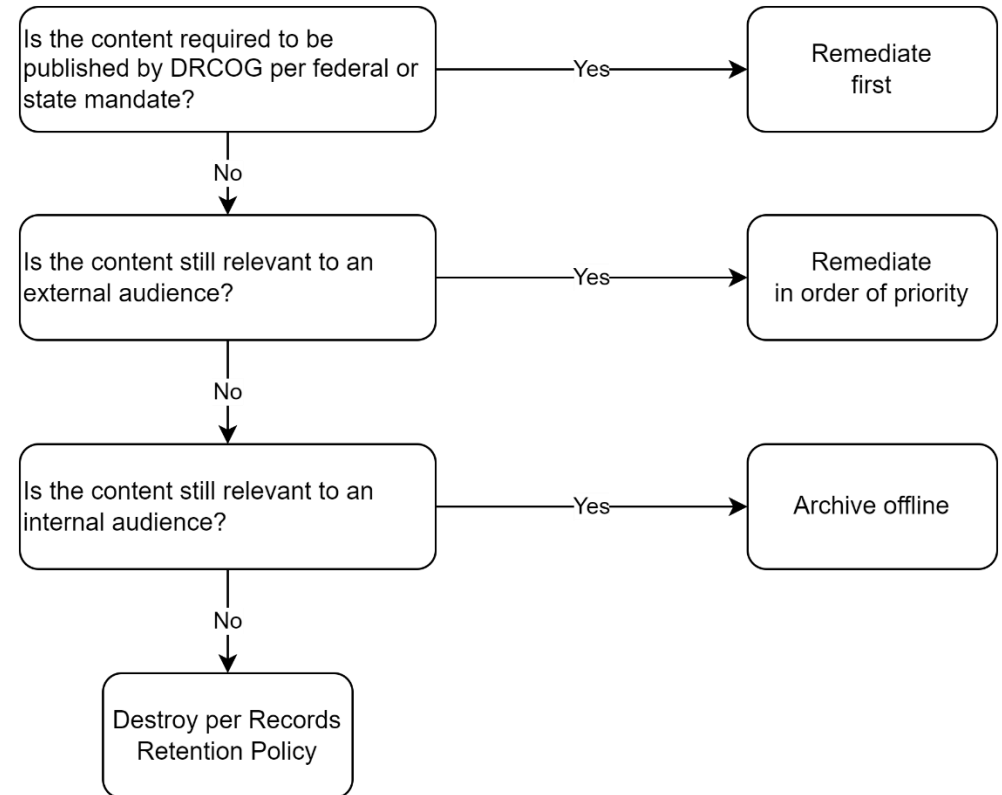
- The **scope** of the law is extensive and includes:
 - Websites and applications
 - Digital documents and emails
 - External-facing and internal-facing
 - Administered by third-party
 - Past, present, and future
- Considering the law as currently written, DRCOG will need to **extend significant resources** to achieve full compliance by the deadline.

DRCOG approach

- **Inventory** – itemize the products that are subject to the law.
- **Assess** – determine which products need remediation.
- **Prioritize** – develop a strategic order for remediation.
- **Mitigate** – reduce the negative impact for products that are not remediated by the deadline.
- **Prevent** – implement training and develop policies and procedures that ensure newly created products are accessible.
- **Intent** – make a good faith effort to comply.

DRCOG approach - status

- **Inventory** – starting with our external-facing website, drcog.org
- **Assess and prioritize** – developing criteria with DRCOG’s senior management team.



DRCOG approach - status

- **Mitigate** – reaching out to partners such as Colorado Counties, Inc., Colorado Municipal League, Colorado Association of Area Agencies on Aging, and local governments to develop talking points to deliver during rulemaking related to anticipated impact and potential solutions.

DRCOG approach - status

- **Prevent** – developing resources for staff like accessible templates and trainings.
- **Intent** – developing accessibility statements that provide information now on how to seek accommodations for inaccessible content.

Challenges for the Area Agency on Aging

- **High volume** of documents, videos and emails that need remediation, including translated versions.
- Funding is already inadequate to address the need and a “**fiscal cliff**” is approaching.
- Remediation options for **third-party sites** like Network of Care are currently unknown.
- Unclear if requirements are passed down to DRCOG’s community-based service **subcontractors**, and if so, what happens if they cannot meet them.

Call to action

- DRCOG needs your help during rulemaking and the next legislative session to ensure the law does not have negative, unintended consequences.
- Talking point examples:
 - Cost and effort to remediate exceeds available resources.
 - Risk of financial penalty could incentivize communicating less.
 - Address these challenges by reducing the scope.