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# —PROGRAM INSTRUCTION—

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## Texas Department of Aging and Disability Services (DADS) – Access and Intake Division

<b>TITLE:</b>	Allowable Transportation Service for Persons Under 60 Years of Age	<b>NUMBER:</b>	AAA-PI 308
<b>SECTION:</b>	Area Agencies on Aging	<b>APPROVAL:</b>	Betty Ford
<b>ISSUE DATE:</b>	2/1/08	<b>REVISION DATE:</b>	12/8/08
<b>RELEVANT CITATION(S):</b>	OAA §321(a)(2); 40 TAC §85.201, §85.202, and §85.301		
<b>DISTRIBUTION:</b>	<input type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Director <input checked="" type="checkbox"/> Fiscal Director <input checked="" type="checkbox"/> AAA Section Staff		

The Department is revising the program instruction (PI) to reflect the new numbers of 40 TAC (Texas Administrative Code) §83.1 AAA Administrative Responsibilities, 83.2 AAA Fiscal Responsibilities, and 40 TAC §84.3 Transportation Service Requirements for the Elderly. Effective September 1, 2008, the rules' number changed 40 TAC §85.201, §85.202, and §85.301, respectively. The title of 40 TAC §85.301 changed to Transportation Services

The purpose of this PI is to provide clarification for allowable transportation services and expenditures for persons less than age 60.

Spouses under 60 years of age are not eligible to receive Title III-B demand/response transportation services. The Administration on Aging (AoA) provided clarification regarding the eligibility of spouse under age 60 to receive transportation funded by the OAA to a congregate meal site for the purpose of receiving a congregate meal. The AoA Regional Office responded as follows:

“...meals under part C are allowed to a spouse of an older individual, but there is no provision under Title III to allow part B transportation to an under-60 individual.”

At the Department's request, the AoA Regional office took the issue to the AoA policy staff in Washington D.C. The response is as follows:

“Regarding the under-60 spouse receiving transportation for meals, there is no specific provision in the Act for such an individual to receive anything other than nutrition services. The SUA can frame policies to assess and assist such individuals on a case-by-case basis (or collectively if need be), working with the AAA and provider (with funds outside of OAA dollars). Another option is to have that individual pay for the service. Also, nothing in Title III shall be construed as prohibiting the provision of services to the non-elderly by using funds from other sources (Sec. 301(d)).”

The Department requested clarification regarding the use of match or program income resources to cover the cost of the trip for a spouse under age 60. AoA confirmed these funds could not be used to support the cost of the trip as the client is not eligible for OAA services.

The Department understands the difficulties this change in policy will cause. If you have further questions please forward them to [t3ahelp@dads.state.tx.us](mailto:t3ahelp@dads.state.tx.us).