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PROGRAM MEMO

TO: Area Agencies on Aging

NO: PM 23-07

DATE ISSUED: March 30, 2023

EXPIRES: NA

SUBJECT: End of the Federal Public Health Emergency

PROGRAMS AFFECTED: Nutrition (Title IIIC),
Health Insurance Counseling and Advocacy
Program (HICAP)

SUPERSEDES: N/A

Purpose

This Program Memo (PM) provides guidance on the nutrition requirements for Title IIIC meals and guidance for resuming in-person Health Insurance Counseling and Advocacy Program (HICAP) services following the end of the federal Public Health Emergency (PHE).

The PHE will end on May 11, 2023. This will also signal an end to nutrition requirement waiver(s). This memo serves as notice for Area Agencies on Aging (AAA) that all Title IIIC meals must meet nutrition requirements no later than May 11, 2023.

Background

Nutrition

The federal government authorized waivers for various Title IIIC nutrition program requirements in response to the COVID-19 pandemic. These waivers included but were not limited to following the Dietary Guidelines for Americans (DGA) and providing one-third of the Dietary Reference Intakes (DRI) in each Title IIIC meal. These waivers are tied to the PHE, and the Administration for Community Living (ACL) has advised that the waivers will end concurrent with the end of the PHE. Therefore, the nutrition program waivers will end on May 11, 2023 (i.e., the same day that the PHE ends).

HICAP

HICAP services across the State are offered at the local level by 26 AAAs. These 26 AAAs provide HICAP services to Medicare beneficiaries and those nearing Medicare eligibility who reside within the AAAs' respective service areas. These services include counseling and advocacy regarding Medicare, private health insurance, and related health care coverage plans. In addition, local HICAP service

providers are responsible for recruiting, training, coordinating, and registering a large contingent of volunteers to expand services in their designated service areas.

Prior to the COVID-19 PHE, a variety of modalities were allowable for providing HICAP counseling, community education, and outreach. In March 2020, when older adults and the public were asked to stay home to save lives from COVID-19, many HICAP service providers transitioned their in-person activities to remote services.

On June 15, 2021, California reopened its economy through the State's plan for [Moving Beyond the Blueprint](#). AAAs were given discretion to resume in-person HICAP services consistent with state and local public health orders and guidance.

Ending the Nutrition Requirements Waiver

All Title IIIC meals must meet nutrition requirements, including following the DGAs and providing one-third of the DRIs, by May 11, 2023.

As noted in [PM 23-05](#), CDA strongly encourages AAAs and service providers to meet the nutrition requirements in all meals in advance of the end of the waiver period to maintain the health and manage chronic disease conditions of program participants.

Please note that the nutrition program requirement waivers are the only remaining flexibility tied to the PHE. All other program flexibilities are tied to the COVID-19 Major Disaster Declaration (MDD). PM 23-05 and the [COVID-19 Flexibilities and Return to Standard Operations FAQs](#) provide guidance for ending program flexibilities tied to the MDD and resuming standard and/or allowable adapted operations by July 1, 2023.

Resumption of In-person HICAP Services

As noted in [PM 21-10](#) resumption of in-person HICAP services remains at the discretion of the AAAs and should be based on state and local public health guidance, along with an assessment of the readiness of the program staff, older adults, and persons with disabilities at each site where HICAP services are provided.

HICAP counseling services may continue to be provided in a variety of modalities, including but not limited to, in-person at the event site or by phone call, email, web-based, etc.

If a AAA elects to resume in-person services, CDA recommends that AAAs and their service providers prioritize proper indoor ventilation and stay up to date with following [SMARTER steps guidance](#) as released by the California Department of Public Health (CDPH). SMARTER plan guidance prioritizes the following components: Shots, Masks, Awareness, Readiness, Testing, Education and Rx. This guidance is especially important when conducting indoor activities as well as preparing for future COVID-19 surges or variants.

Resources

The following resource provides detailed guidance on meeting the nutrition requirements, including following the DGAs and providing one-third of the DRIs:

- [Older Californians Nutrition Program Menu Guidance](#)

AAAs and HICAPs may access the HICAP Program Manual for additional program guidance, including Service Model Standards and Service Access. To access the HICAP Program Manual, please email the CDA HICAP Team.

Inquiries

For Title IIIC program inquiries, email the CDA Nutrition and Health Promotion team at: CDANutritionandHealthPromotion@aging.ca.gov

For HICAP inquiries, email the CDA HICAP team at:

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