OUR MATURING MOVEMENT

STATE-BY-STATE LGBT AGING POLICY AND RECOMMENDATIONS
The mission of the National Gay and Lesbian Task Force is to build the political power of the lesbian, gay, bisexual and transgender (LGBT) community from the ground up. We do this by training activists, organizing broad-based campaigns to defeat anti-LGBT referenda and advance pro-LGBT legislation, and building the organizational capacity of our movement. Our Policy Institute, the movement’s premier think tank, provides research and policy analysis to support the struggle for complete equality and to counter right-wing lies. As part of a broader social justice movement, we work to create a nation that respects the diversity of human expression and identity and creates opportunity for all.

Washington, DC
1325 Massachusetts Ave NW, Suite 600
Washington, DC 20005
Tel 202 393 5177
Fax 202 393 2241

New York, NY
80 Maiden Lane, Suite 1504
New York, NY 10038
Tel 212 604 9830
Fax 212 604 9831

www.theTaskForce.org

(Additional offices in Cambridge, Mass.; Los Angeles, Calif.; Miami, Fla.; and Minneapolis, Minn.)

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Introduction

The hardships current federal law and regulations impose on LGBT elders and couples are relatively well documented and known; the most visible being the denial of Social Security Survivors Benefits for couples and Medicaid spend down rules due to regulations and of the Defense of Marriage Act. Despite the importance of Federal policy to the lives of LGBT elders, the reality is much of the action takes place at the state level. The fifty states and the District of Columbia are largely charged with determining how and where to spend money on elder programs. Most of the money states use comes through the Federal Older Americans Act (OAA), administered by the Administration on Aging (AoA) in the Department of Health and Human Services (HHS).

For the most part, State governments are free to distribute OAA funds to meet the needs of their own aging population. Many states contribute their own resources to providing services to the elderly, though there are a few that do not provide any additional funds beyond those received from the AoA. Services provided vary from state-to-state and include areas as varied as nutritional advice and support, caregiver funding, elder law legal services.

The laws and policies in place to protect LGBT elders varies widely by state, though is largely inadequate. The level of protection in employment, housing, public accommodations, credit, education, and insurance based on age and sexual orientation and gender identity or expression at the state level is as varied as services provided to the aging. In Alabama, only age is legislatively protected in employment. In all other areas Alabama is silent. In California, sexual orientation and gender identity or expression are protected in all areas, whereas age remains protected only in employment.

This state-by-state analysis of protections and services available to LGBT elders demonstrates both the strides our community has made and the significant work ahead of us as the Baby Boom and Stonewall generation enters retirement. Activists and policymakers in states with pre-existing protections for the elderly and LGBT can find out where room for improvement remains, while the LGBT community can discover where significant problems remain. We know that LGBT people live in 99% of counties across the country, in urban and rural areas, as singles and couples, with and without children. We know that the modern LGBT rights movement is in its fourth decade. It is imperative to address policies on aging before masses of LGBT elders enter retirement and find themselves locked out of mainstream programs and assistive resources. As the LGBT community and movement continue to mature, we must keep continue working to ensure public policy catches up and keeps pace with our needs.
ACKNOWLEDGEMENTS

Editors
Thomas Bousnakis
Brad Jacklin
Lisa Mottet

Major Contributors
Andrew Cray
Richard Huang
Michael Shubert
Laurie Young
Karen Taylor

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Alabama

Advisory Body:

**Composition:** There are sixteen members of the board of directors of the Department of Senior Services. Twelve members are appointed by the governor. Of these twelve members, one must be a representative of business, one must be a representative of labor, one must be a representative of the medical profession, three shall be representatives of senior citizen organizations, and three must be “responsible citizens of the state.” No two of the governor’s “responsible citizen” appointments may be of the same religious faith. Two representatives are appointed by the President of the Senate and two are appointed by the Speaker of the House of Representatives.¹

**Scope of Authority:** The Board is principally a consultative and administrative body. It is authorized by statute to collect facts and statistics, make recommendations to the legislature, and coordinate and contract for services to senior citizens by public and private agencies.²

**Administration:**

**Agency Responsible for Services:** The Alabama Department of Senior Services (ADSS) (formerly the Alabama Commission on Aging) is a cabinet-level, free-standing department that is charged with providing services to older people.

**Services Provided:** ADSS provides services indirectly; Alabama’s thirteen Area Agencies on Aging, which have jurisdiction over multi-county regions, contract with local public and private agencies to provide services.³ The Area Agencies on Aging provide caregiver assistance, disaster recovery, elder abuse prevention and assistance, an elder law helpline, insurance counseling, legal assistance, long term care ombudsman, Medicaid waivers, Medicare fraud prevention, nutrition and wellness services, senior employment services, and wellness programs.⁴

**Funding:**

**Source:** Alabama operates its services for older people with funds from the Older Americans Act (OAA), administered through the Administration on Aging.

**Funding Formula:** Twenty percent of OAA funds are divided equally among the thirteen Area Agencies on Aging. For the remaining eighty percent of OAA funds, Alabama’s Intrastate Funding Formula consists of five factors, based on US Census figures. These factors are 1) the number of people over age sixty, 2) the number of people over age sixty

¹ ALA. CODE § 38-3-1.
² See ALA. CODE § 38-3-2 (b).
³ Alabama Department of Senior Services Website, http://www.adss.state.al.us
⁴ Alabama Department of Senior Services Website http://www.adss.state.al.us/cares.cfm
living in rural areas, 3) the number of people over age sixty living alone, 4) the number of people over age sixty-five living below the poverty line, and 5) the number of people below age sixty-five living below the poverty line who are members of a minority group. The weight of each factor depends on its proportionate share of all five factors. For example, the weight given to the ‘over sixty’ factor is the total number of persons over sixty divided by the sum of all five factors.

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** Alabama does not provide a definition.

**Definition of Greatest Economic Need:** According to the Alabama Administrative Code, the ‘greatest economic need’ is “[t]he need resulting from an income level at or below the poverty threshold established by the Bureau of the Census.”

**Definition of Greatest Social Need:** According to the Alabama Administrative Code, the ‘greatest social need’ is “[t]he need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restrict an individual’s ability to perform normal daily tasks or which threaten his capacity to live independently.”

**Definition of Minority:** Alabama does not provide a definition.

**Non-Discrimination Provisions in State Statutes:**

<table>
<thead>
<tr>
<th>Alabama Statutes Prohibit Discrimination on the Basis of</th>
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<tbody>
<tr>
<td>Age</td>
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<td>Employment³</td>
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<td>Education</td>
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<td>Insurance</td>
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</table>

**Agency Non-Discrimination Policies:**

The Alabama Department of Senior Services does not have a non-discrimination policy.

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5 In Alabama’s State Plan on Aging, ADSS has proposed lowering the age of the final two factors to age sixty.
6 ALA. ADMIN. CODE R. 70-x, APPENDIX A.
7 Id.
8 ALA. CODE §25-1-21. Alabama prohibits employment discrimination against workers over forty. No other state statutory or regulatory protections against age discrimination exist.
Recommendations:

• Expand and amend non-discrimination statutes to include protections on the basis of age in the areas of housing, public accommodations, credit, education, and insurance.

• Expand and amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

• Create an Alabama Department of Senior Services non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

• Create a non-discrimination policy that prohibits ADSS’s contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.
Arizona

Advisory Body:

Composition: There are fifteen members of Arizona’s advisory council on aging. Each member is appointed by the governor and may be removed by the governor for cause. The term of appointment is three years and there are no limits on reappointment. Members must have “a knowledge of, and an established basic interest in, the problems affecting older citizens” and shall be selected with “due regard to geographic and other elements of representation in order that as many divergent views as possible can be represented.” 9

Scope of Authority: The council is principally a consultative and administrative body. Each year it is required to make recommendations concerning the state plan on aging to the Governor, President of the Senate, and Speaker of the House of Representatives in a formal report. 10

Administration:

Agency Responsible for Services: The Arizona Division of Aging and Adult Services (DAAS) is a body within the state Department of Economic Security and is responsible for administering services for older people. 11

Services Provided: DAAS provides services indirectly through Arizona’s eight Area Agencies on Aging (AAA). The AAAs “develop and implement a comprehensive service delivery system of Home and Community Based Services that most accurately reflect the needs of their local communities. Some services are delivered through the use of multi-purpose senior centers and can include home delivered meals, group meals at the centers, education services, and information and referral services.” 12

Funding:

Sources: Arizona funds its services for older Arizonans through OAA funds, Social Service Block Grants, Foster Grandparents Program, State Health Insurance Assistance Program, and direct state budget funding. 13 For the tribal AAA, Arizona uses the Navajo Transfer, a fund from the Interstate Transfer which is funded jointly by Arizona, New Mexico, and Utah.

9 ARIZ. REV. STAT. § 46-183.
10 ARIZ. REV. STAT. § 46-184.
11 ARIZ. REV. STAT. § 46-181, et. seq.
Funding Formula: Arizona provides each AAA with a minimum of $60,000 for administration and a $50,000 program base. After these initial monies, Arizona distributes OAA funds in accordance with the following formula for regions 1-6, applying different weights to each factor:

- A district’s proportion of the state population over age sixty who are not minorities and who are above 100% of the US poverty level is weighted at 1.00;
- A district’s proportion of the state population over age sixty who are not minorities and who are below 100% of the US poverty level is weighted at 1.75;
- A district’s proportion of the state population over age sixty who are minorities and who are not above 100% of the US poverty level is weighted at 1.10; and,
- A district’s proportion of the state population over age sixty who minorities and who are below 100% of the US poverty level is weighted at 3.00. 14

For the Navaho AAA, each of the above factors is weighted at 5.00. For the Inter Tribal Council of Arizona AAA, each of the above factors is weighted at 6.00. 15

Funding-Related Definitions:

Definition of Vulnerable Elder or Population: Arizona does not provide a definition.

Definition of Greatest Economic Need: Arizona does not provide a definition.

Definition of Greatest Social Need: Arizona does not provide a definition.

Definition of Minority: Arizona does not provide a definition.

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15 Id.
Non-Discrimination in State Statutes:

| Arizona Statutes Prohibit Discrimination on the Basis of |
|----------------|----------------|
|                | Age       | Sexual Orientation | Gender Identity or Expression |
| Employment     | ✓         | ✗                  | ✗                              |
| Housing        | ✗         | ✗                  | ✗                              |
| Public         | ✗         | ✗                  | ✗                              |
| Accommodations | ✗         | ✗                  | ✗                              |
| Credit         | ✗         | ✗                  | ✗                              |
| Education      | ✗         | ✗                  | ✗                              |
| Insurance      | ✗         | ✗                  | ✗                              |

Departmental Non-Discrimination Policies:

- The Arizona Department of Economic Security (DES) has a policy of not discriminating on the bases of age or sexual orientation in personnel decisions.  
- The Arizona DES has a policy on not discriminating on the bases of age or sexual orientation with regards to adult development foster care licensure.  

**Recommendations:**

- Expand and amend non-discrimination statutes to include protections on the basis of age in the areas of housing, public accommodations, credit, education, and insurance.

- Expand and amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

- Create a DES non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

- Create a DES non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

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16 ARIZ. REV. STAT. § 41-1463.
Arkansas

Advisory Body:

**Composition:** The Governor’s Advisory Council on Aging (GACA) currently has twenty-four members. Members are appointed by the governor. The GACA is administered by the Division of Aging and Adult Services (DAAS) and is governed by a set of by-laws established by council members.\(^{19}\)

**Scope of Authority:** The purpose of the Governor’s Advisory Council on Aging is to advise the governor and the DAAS about the needs of older Arkansans and the programs that serve them.\(^{20}\)

**Administration:**

**Agency Responsible for Services:** DAAS, a part of the Arkansas Department of Human Services, is responsible for the provision of services to older Arkansans.

**Services Provided:** Using Older American Act (OAA) funds, DAAS plans and develops programs and services targeted to older Arkansans. Local administration of the programs is managed through Arkansas’s eight Area Agencies on Aging (AAA). The AAAs administer and adapt the programs, as approved by the State, to meet local needs and resource levels.\(^{21}\) Services and programs include Programs of All Inclusive Care for the Elderly (PACE), Living Choices, ElderChoices, disaster preparedness, evidence-based disease prevention programs, mental health services, transportation, affordable housing with long-term supports, Senior Medicare Patrol, the IndependentChoices Program, adult protective services, legal services, the Long-Term Care Ombudsman Program, the National Family Caregiver Support Program, nutrition program, and senior employment programs.\(^{22}\)

**Funding:**

**Funding Sources:** Arkansas funds its services through OAA funds, the Social Services Block Grant, the state cigarette tax, and appropriations from the state’s general fund.

**Funding Formula:** Arkansas provides each AAA with a base allocation equal to one percent of each funding source. The remainder of Arkansas’s funds are distributed in accord with the following formula:

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\(^{21}\) Id. at 4.

\(^{22}\) Id. at 29–64.
• Fifty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
• Forty percent of funds are awarded based upon a district’s proportion of the state’s population who are age sixty and over who are low-income; and,
• Ten percent of funds are awarded based upon a district’s proportion of the state low-income minority population age sixty and over.23

Funding-Related Definitions:

Definition of Vulnerable Elder or Population: Arkansas does not provide a definition.

Definition of Greatest Economic Need: Arkansas does not provide a definition.

Definition of Greatest Social Need: Arkansas does not provide a definition.

Definition of Minority: Arkansas does not provide a definition.

Non-Discrimination in State Statutes:

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<td>Insurance</td>
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Departmental Non-Discrimination Provisions or Policies:

The Division of Aging and Adult Services (DAAS) does not have a non-discrimination policy.

Recommendations:

• Amend non-discrimination statutes to include protections on the bases of age, sexual orientation, and gender identity or expression in

23 Id. at 23-24.
24 Arkansas prohibits discrimination on the basis of age in public employment only. ARK. CODE ANN. Sec. 21-3-203.
employment, housing, public accommodations, credit, education, and insurance.

- Create a DAAS non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

- Create a DAAS non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that the Department and service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.
Alaska

Advisory Body:

**Composition:** There are eleven commissioners on the Alaska Commission of Aging, each of whom is directly or indirectly appointed by the governor and serve at the governor’s discretion. The Commission consists of the Commissioner of Health and Social Services or a representative, the Commissioner of Commerce, Community, and Economic Development or a representative, a senior services provider, the chair of the Alaska Pioneers’ Homes Advisory Board, and seven other people appointed by the governor, based on the following procedure and criteria:

After requesting from senior citizens’ organizations the names of persons who are qualified for and interested in serving on the commission . . . appointments shall be made by the governor to assure representation of low-income persons and minorities, and representation from rural and urban areas of the state, and to secure statewide geographical representation on the commission. At least six of the persons appointed by the governor shall be 60 years of age or older. At least two of these persons shall be 65 years of age or older. Each member appointed by the governor shall be a resident of the state.

**Scope of Authority:** The Commission “shall employ an executive director who serves at the pleasure of the commission.” The executive director must create a plan that identifies the needs of older Alaskans and present that plan to the Commission. The Commission must either approve or deny the plan and then, with reference to the plan, submit an annual analysis and evaluation of the services provided for older Alaskans to the governor and the legislature. The Commission also must make recommendations directly to the governor and the legislature, audit state agencies and local institutions that provide services to older Alaskans, and make recommendations to the Alaska Mental Health Trust Authority. To accomplish these duties, the Commission may evaluate state programs concerned with the needs of older Alaskans, conduct studies of employment, health, housing, financial security, social welfare, and other concerns relevant to older Alaskans, provide information to older Alaskans about public programs, appoint special committees, contract for services, cooperate with private organizations, advocate for better programs, and recommend standards of service for programs administered to older Alaskans.

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25 See AK. STAT. § 47.45.200 for full appointment rules for the Alaska Commission on Aging.
26 AK. STAT. § 47.45.240.
27 AK. STAT. §47.43.230.
28 AK. STAT. § 47.45.240.
Administration:

Agency Responsible for Services: The Alaska Department of Health and Social Services (DHSS), which houses the Commission on Aging, is the state unit on aging. Alaska’s Senior Housing Office within the state Housing Finance Corporation is required to “promote a comprehensive response to the needs of senior citizens for adequate, accessible, secure, and affordable housing in the state.”

Provision of Services: Alaska does not have any Area Agencies on Aging. DHSS provides services directly and indirectly through contracts with private organizations. DHSS and its contractors provide numerous services including the Senior Benefits Program, adult public assistance, food stamps, heating assistance, the Mature Alaskans Seeking Skills Training Program, the Long-Term Care Ombudsman Program, a nursing-facility transition program, assisted living licensing, senior housing support, Medicaid waivers, and home- and community-based services.

Funding:

Sources: The DHSS receives and distributes funds from the Older Americans Act. Other sources of funding include the Senior Benefits Program (direct cash assistance based on income), Senior Property Tax Exemption (applicable to first $150,000 of a home’s assessed value), and the Mature Alaskans Seeking Skills Training Program.

Funding Formula: For purposes of funding, Alaska will be divided into nine districts effective in 2011. The proportion of funding that a district receives is determined by a funding formula which takes into account five differently weighted factors:

- 12.5 percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- 12.5 percent of funds are awarded based upon a district’s proportion of the state population age eighty and over;
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are also members of a minority;
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty-five and over who are in poverty; and,
• Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who live in a rural area.

Funding-Related Definitions:

**Definition of Vulnerable Adult:** According to the Alaska Code, a vulnerable adult is “[a] person 18 years of age or older who, because of physical or mental impairment, is unable to meet the person’s own needs or to seek help without assistance.”

**Definition of Greatest Economic Need:** According to the Alaska State Plan for Senior Services, ‘greatest economic need means “[t]he need resulting from an income level at or below the poverty line.”

**Definition of Greatest Social Need:** According to the Alaska State Plan for Senior Services, ‘greatest social need’ means “[t]he need caused by the non-economic factors, which include physical and mental disabilities; language barriers; and cultural, social, or geographic isolation, including isolation caused by racial or ethnic status, that restricts an individual’s ability to perform normal daily tasks or threatens his or her capacity to live independently.”

**Definition of Minority Seniors:** According to the Alaska State Plan for Senior Services, ‘minority seniors’ are “[t]hose seniors who are not Caucasian.”

Non-Discrimination in State Statutes:

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<th>Alaska Prohibits Discrimination on the Basis of</th>
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<th>Sexual Orientation</th>
<th>Gender Identity or Expression</th>
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<td>Insurance</td>
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33 AK. STAT. § 47.24.900.  
35 Id.  
36 Id.
The Alaska Department of Health and Social Services requires that services provided by home health agencies not discriminate on the basis of sexual orientation.

**Recommendations:**

- Expand the definition of ‘minority’ to include sexual orientation and gender identity or expression.

- Expand and amend non-discrimination statutes to include protections on the basis of age in the areas of education and insurance.

- Expand non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

- Create a DHSS non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression.

- Create a DHSS non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, or gender identity or expression.

- Mandate, in the State Plan on Aging, that the DHSS and its contractors be sensitive to the needs of the lesbian, gay, bisexual, and transgender community.

37 “The opportunity to obtain employment, credit and financing, public accommodations, housing accommodations, and other property without discrimination because of sex, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, race, religion, color, or national origin is a civil right.” Ak. Stat. §18.80.210

38 The statutory definition of public accommodations does not expressly include health care or elder care facilities, but may reasonably be interpreted to include them as places providing good, services, and facilities to the public. AK. STAT. §18.80.300 (16).

39 A home health agency is an entity that provides skilled nursing services and physical therapy, occupational therapy, speech therapy, or home health aide services. 7 Ak. Admin. Code §12.505(a).

40 Alaska Admin. Code tit. 7§12.534(a)(2) (“The governing body of a home health agency shall protect and promote the rights of its home health patients, by assuring that . . . appropriate and professional quality home health care services are provided without discrimination based on race, creed, color, religion, sex, national origin, sexual preference, age, or diagnosis, but an agency may limit its practice to the provision of care or services for patients with a specific disease or diagnosis without violating this paragraph.”)
California

Advisory Body:

**Composition:** There are twenty-five commissioners on the California Commission on Aging. Nineteen commissioners are appointed by the governor and the remaining six are appointed by the state legislature. The majority of the commissioners must be comprised of Californians age sixty or older. In addition, California stipulates that the Commission “shall be composed of representatives of the geographic, cultural, economic, and other social factors in the state.”

**Scope of Authority:** The Commission serves as “the principal advocate body in the state on behalf of older individuals, including, but not limited to, advisory participation in the consideration of all legislation and regulations made by state and federal departments and agencies relating to programs and services that affect older individuals.”

**Administration:**

**Agency Responsible for Services:** The California Department of Aging (“CDA”) is the state unit on aging.

**Services Provided:** The CDA contracts through California’s thirty-three Area Agencies on Aging (AAA). The AAAs directly manage federal and state funded services for older people. The CDA provides programs designed to help older people find employment, support older and disabled Californians to enable them to live as independently as possible, promote healthy aging and community involvement, and assist family members in their care-giving role. The CDA also contracts with agencies that operate the Multipurpose Senior Services Program and the community-based waiver for the elderly program, as well as certifying the adult day care centers for the Medi-Cal program. AAAs must “include the needs of lesbian, gay, bisexual, and transgender (LGBT) seniors in their needs assessment and area plans.” Medical professionals working in “skilled nursing facilities” or “congregate living health facilities” must participate in a training program designed to “prevent and eliminate discrimination based on sexual orientation and gender identity.”

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41 About the California Commission on Aging, http://www.ccoa.ca.gov/about/default.asp.
42 CAL. WELF. & INST. CODE § 9200(a)(4), (a)(5).
43 CAL. WELF. & INST. CODE § 9202.
45 About the California Department of Aging, http://www.aging.ca.gov/aboutcda/aboutcda.asp.
46 CAL. WELF. & INST. CODE § 12503.
47 “All registered nurses, certified nurse assistants, licensed vocational nurses, and physicians working in skilled nursing facilities, as defined in subdivision (c) of Section 1250, or congregate living health facilities, as defined in subdivision (i) of Section 1250, shall participate in a training program, to be prescribed by the department, that focuses on preventing and eliminating discrimination based on sexual orientation and gender identity.” CAL. HEALTH & SAFETY CODE § 1257.5(a).
Funding:

Sources: California funds services for older people through Older Americans Act funds, state funds appropriated under the Older Californians Act, and Medi-Cal funds.

Funding Formula: California provides a $50,000 base allotment to each AAA. The remaining funds are divided among the AAAs by the following formula that uses four differently weighted factors:

- A district’s proportion of the state population over age sixty who are below 100% of the US poverty level is weighted at 2.0;
- A district’s proportion of the state population over age sixty who are minorities is weighted at 2.0;
- A district’s proportion of the state population over age sixty who are not minorities is weighted at 1.0; and,
- A district’s proportion of the state population over age sixty who live in rural areas is weighted at 1.5.

Funding-Related Definitions:

Definition of Vulnerable Adult: California does not provide a definition.

Definition of Greatest Economic Need: The California State Plan on Aging defines ‘greatest economic need’ as “[T]he need resulting from an income level at or below the poverty levels established by the Office of Management and Budget.”

Definition of Greatest Social Need: The California State Plan on Aging defines ‘greatest social need;’ as “[T]he need caused by non-economic factors that include physical and mental disabilities, language barriers, and cultural, social, or geographical isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens such individual's capacity to live independently.”

Definition of Minority Person: The Code of California Regulations defines a minority person as “An ethnic person of color who is any of the following: Black[,] Hispanic[,] Asian/Pacific Islander[,] or] American Indian/Alaskan Native.”

48 California State Aging Plan, 69.
49 California State Aging Plan.74.
50 Id.
51 CAL. CODE REGS. tit. 22 § 7130.
Non-Discrimination Provisions in State Statutes:

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<tr>
<th>California Statutes Prohibit Discrimination on the Basis of</th>
<th>Age</th>
<th>Sexual Orientation</th>
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<td>Employment^52</td>
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<td>Housing^53</td>
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In addition to the above protections, California prohibits public contractors from discriminating against certain classes of people in the provision of public benefits. Section 11135 of the California Code provides that “[n]o person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.”^57 California Code further provides “if it is determined that a contractor, grantee, or local agency has violated the provisions of this article, the state agency that administers the program or activity involved shall take action to curtail state funding in whole or in part to such contractor, grantee, or local agency.”^58

^52 “It shall be an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California: (a) For an employer, because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation of any person, to refuse to hire or employ the person or to refuse to select the person for a training program leading to employment, or to bar or to discharge the person from employment or from a training program leading to employment, or to discriminate against the person in compensation or in terms, conditions, or privileges of employment.” Cal. Gov. Code § 12940.

^53 Owners of housing accommodations, mortgage companies, real estate agents, and several other categories may not discriminate or harass “because of the race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or disability of that person.” Cal. Gov. Code § 12955 Earlier in the Code, “sex” is defined to include gender and gender identity. CAL. GOV’T CODE § 12926.

^54 Public accommodation non-discrimination statutes do not mention age. See Cal. Civ. Code § 51(b). Note, however, that California courts have held that age may be covered despite not being mentioned. See Pizarro v. Lamb’s Players Theatre 37 Cal.Rptr.3d 859, 135 Cal.App.4th 1171 (App. 4 Dist. 2006), and that businesses may not arbitrarily discriminate on the basis of age. See Ingels v. Westwood One Broadcasting Services, Inc. 28 Cal.Rptr.3d 933, 129 Cal. App.4th 1050 (App. 2 Dist. 2005).

^55 CAL. CIV. CODE § 1747.80(a).

^56 CAL. EDUC. CODE § 220.

In California, the definition of gender includes gender identity or expression. CAL. GOV’T CODE § 12926.

^58 CAL. GOV’T CODE § 11107.
Agency Non-Discrimination Policies:

Pursuant to the California Civil Code, the CDA does not discriminate on the bases of age, sexual orientation, or gender identity or expression.

Recommendation:

• Expand non-discrimination statutes to explicitly include protection from discrimination on the basis of age in the areas of housing, public accommodations, credit, and education.
Colorado

Advisory Commission:

Composition: The Colorado Commission on Aging is comprised of seventeen commissioners, each of whom is appointed by the governor with the consent of the Senate. Of these seventeen, two commissioners must be appointed from each of Colorado’s seven Congressional Districts, one must be a member of the state senate, one must be a member of the state house of representatives, and one must be an at-large commissioner. No more than nine commissioners may belong to the same political party. 59

Scope of Authority: The Commission serves “to inform and advise decision-makers and to advocate for the quality of life of all seniors.”60

Administration:

Agency Responsible for Services: The Division of Aging and Adult Services (DAAS) of the Colorado Department of Human Resources is responsible for the provision of services to older Coloradans. 61

Services Provided: The DAAS oversees Colorado’s sixteen Area Agencies on Aging(AAA). The AAAs provide services and community education programs for older Coloradans. Services and programs include nutrition services, transportation services, National Family Caregiver Support, elder abuse prevention, In-home services for the frail elderly, disease prevention and health promotion, legal assistance, Long-Term Care Ombudsman, community based services, and senior community services employment. 62

Funding:

Funding Sources: Colorado funds its services through Older Americans Act (OAA) funds and through state funds appropriated under the Older Coloradans Act. 63

Funding Formula: Colorado’s OAA funds are distributed to the AAAs in accord with the following formula:

- Forty percent of funds are awarded based upon a district’s proportion of the state population age sixty;

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59 The Colorado Commission on Aging Website, available at www.cdhs.state.co.us/aas/commissiononaging_index.htm.
60 Id.
61 http://www.cdhs.state.co.us/aas/index.htm.
62 Id.
63 State Unit on Aging Website, available at http://www.cdhs.state.co.us/aas/agingservicesunit_index.htm.
• Fifteen percent of funds are awarded based upon a district’s proportion of the state’s population who are age sixty and over who are below 100% of the federal poverty level;
• Fifteen percent of funds are awarded based upon a district’s proportion of the state population over age sixty and live in a rural area;
• Fifteen percent of funds are awarded based upon a district’s proportion of the state population age seventy-five and older; and,
• Fifteen percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities. 64

Funding-Related Definitions:

Definition of Vulnerable Elder or Population: Colorado does not provide a definition.
Definition of Greatest Economic Need: Colorado does not provide a definition.
Definition of Greatest Social Need: Colorado does not provide a definition.
Definition of Minority: Colorado does not provide a definition.

Non-Discrimination in State Law and Regulations:

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<th>Age</th>
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<td>Insurance70</td>
<td>✓</td>
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65 COLO. REV. STAT. § 24-34-402: “(1) It shall be a discriminatory or unfair employment practice: (a) For an employer to refuse to hire, to discharge, to promote or demote, to harass during the course of employment, or to discriminate in matters of compensation against any person otherwise qualified because of disability, race, creed, color, sex, sexual orientation, religion, age, national origin, or ancestry.”
66 COLO. REV. STAT. § 24-34-602(1).
67 COLO. REV. STAT. § 24-34-601(2).
68 COLO. REV. STAT. § 5-3-210.
69 COLO. REV. STAT. § 22-32-109: Schools boards are required “To adopt written policies specifying that: The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services.” See also COLO. REV. STAT. § 24-34-601(1) (defining “public accommodation” to include educational institutions); COLO. REV. STAT. § 24-34-601(2) (prohibiting discrimination in public accommodations).
70 COLO. REV. STAT. § 10-4-626(1).
Departmental Non-Discrimination Provisions or Policies:

- Colorado’s in-home providers must “ensure that no person applying for or receiving service under the OAA shall be discriminated against based on age, sex, religion, race, sexual orientation, political belief, handicap, or disability.” 71

- “No sub-project or staff person of the sub-project shall discriminate, exclude from participation, or deny benefits to eligible individuals because of the individual’s race, color, religion, gender, sexual orientation, national origin, handicap, political beliefs, or age, except where age is a valid consideration as described in these rules.” 72

- AAAs shall “ensure that no person applying for or receiving service under the OAA shall be discriminated against based on age, sex, religion, race, sexual orientation, political belief, handicap, or disability.” 73

Recommendations:

- Expand non-discrimination statutes to include protection on the basis of age in the areas of housing, public accommodations, credit, and education.

- Create a Division of Aging and Adult Services non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that the DAAS and its contractors be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.

71 12 COLO. CODE REGS. 2510.260.3(C)(2).
72 12 COLO. CODE REGS. 2510.660(B).
Connecticut

Advisory Body:

Composition: The Connecticut Commission on Aging is comprised of seventeen commissioners, each of whom is appointed by the governor or the legislature to a four-year term. Five commissioners are appointed by the governor, two by the President Pro Tempore of the Senate, two by the Speaker of the House, two each by the majority and minority leaders of the Senate, and two each by the majority and minority leaders of the House. In addition to these seventeen commissioners, the Commission has sixteen ex officio members, including the Chair and the Ranking Member of both the Connecticut House and Senate’s Select Committee on Aging and Human, and the commissioners of eight state agencies.75

Scope of Authority: According to the Connecticut statutory code, “[i]n the Commission on Aging shall: (1) Prepare and issue an annual report to the governor, General Assembly and the legislative body of each municipality in the state on its findings and recommendations concerning services for the elderly in the state; (2) conduct annual public hearings on issues affecting the well-being of the elderly in the state; (3) meet regularly with representatives of state agencies to review and comment on the policies and procedures of the department concerning the elderly; (4) review and comment on the budget of the State Unit on Aging within the Department of Social Services; (5) meet as needed with state officials to discuss issues affecting the elderly; (6) conduct studies and report on issues affecting the elderly; and (7) disseminate information to the business community, education community, state and local governments and the media on the nature and scope of the problems faced by the elderly. The commission may accept any gifts, donations or bequests and may enter into contracts for any of the purposes of this section.”76

Administration:

Agency Responsible for Services: The Aging Services Division (ASD) of the Connecticut Department of Social Services is responsible for “planning, developing, and administering a comprehensive and integrated service delivery system for older persons in Connecticut.”77

Services Provided: The ASD administers Older Americans Act (OAA) programs for supportive services, in-home services, and congregate and home-delivered meals. It also oversees its aging network partners, including Connecticut’s five Area Agencies on Aging (AAA), municipal

74 CONN. GEN. STAT. § 17b-420.
76 CONN. GEN. STAT. § 17b-420(b).
agents for the elderly, and senior centers that provide health insurance counselors, respite care for caregivers, senior community employment, and other services.78

Funding:

**Funding Sources:** Connecticut funds its services for older people through OAA funds and through Connecticut’s general fund.79

**Funding Formula:** Half of Connecticut’s available funding is distributed to the five AAAs equally as a base allocation; the other half is distributed according to the following formula:

- One-sixth of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- One-sixth of funds are awarded based upon a district’s proportion of the state population age sixty and over below 100% of the federal poverty level;
- One-sixth of funds are awarded based upon a district’s proportion of the state population age sixty and over unable to perform basic activities without assistance;
- One-sixth of funds are awarded based upon a district’s proportion of the state population age sixty and over living in a rural area;
- One-sixth of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities; and,
- One-sixth of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities and living below 100% of the federal poverty level.80

**Funding-Related Definitions:**

**Definition of Vulnerable Adult:** Connecticut does not provide a definition.

**Definition of Greatest Economic Need:** Connecticut does not provide a definition.

**Definition of Greatest Social Need:** Connecticut does not provide a definition.

**Definition of Minority Individuals:** The Connecticut State Plan on Aging defines ‘minority individuals’ as those who have “identified their race as ‘Black’, ‘American Indian, Eskimo or Aleut’ or ‘Asian or Pacific
Islander’ or answered the [census] question on Hispanic origin in the affirmative.” 81

Non-Discrimination in State Statutes:

Departmental Non-Discrimination Policies:
The Connecticut Aging Services Division (ASD) does not have a non-discrimination policy.

Recommendations:

• Expand non-discrimination statutes to include protection on the basis of age in the areas of education and insurance.

• Amend non-discrimination statutes to include protections on the basis of sexual orientation in insurance, and gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

81 Id. at 112.
82 CONN. GEN. STAT. § 46a-60(a)(1).
83 CONN. GEN. STAT. § 46a-81c(1): No employer may “refuse to hire or employ or to bar or to discharge from employment any individual or to discriminate against him in compensation or in terms, conditions or privileges of employment because of the individual’s sexual orientation or civil union status.”
84 CONN. GEN. STAT. § 46a-64c(a).
85 Owners, landlords, and so forth may not refuse to sell or rent, or discriminate in the terms and conditions for sale or rental, because of a person’s “sexual orientation or civil union status.” CONN. GEN. STAT § 46a-81e(a)
86 “Public accommodation” is defined to include “any establishment which caters or offers its services or facilities or goods to the general public.” CONN. GEN. STAT. § 46a-63(1).
87 CONN. GEN. STAT. § 46a-64(a)(1).
88 No one may be denied “full and equal accommodations in any place of public accommodation, resort or amusement because of such person’s sexual orientation or civil union status.” CONN. GEN. STAT. § 46a-81e(a)(1)
89 CONN. GEN. STAT. § 46a-66(a).
90 No creditor may “discriminate on the basis of sexual orientation or civil union status, against any person eighteen years of age or over in any credit transaction.” CONN. GEN. STAT. § 46a-81f(a)
91 CONN. GEN. STAT. § 10-15c(a).
92 Discrimination is prohibited if based on “race, religion, nationality or ethnicity,” but is otherwise unaddressed. See CONN. GEN. STAT. § 38a-35B.
• Create an ASD non-discrimination policy that prohibits ASD and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of transgender and bisexual older people much as the current Plan of Aging mandates that services provided be sensitive to the needs of “African Americans, Hispanics, Asians, other people of color and homosexuals.”
Delaware

Advisory Body:

**Composition:** The Delaware Council on Services for Aging and Adults with Physical Disability is comprised of twenty-two members, each of whom is appointed by the governor to a three-year term. Half of these members must be comprised of aging consumers apportioned as follows: one aging consumer each from New Castle County, excluding the City of Wilmington; Kent County; Sussex County; and the City of Wilmington; and three at-large members who may reside anywhere in the state. The other half of the council must be consumers with disabilities apportioned in the same manner as described above.  

**Scope of Authority:** The Council is primarily an advisory body. It “may study, research, plan and advise the Director, the Secretary and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.”

**Administration:**

**Agency Responsible for Services:** The Division of Services for Aging and Adults with Physical Disabilities (DSAAPD) within the Delaware Department of Health and Social Services (DHSS) is responsible for the provision of services to older people. Because of its small size, Delaware has a single Planning and Service Area (PSA). As a result, the DSAAPD functions as the state unit on aging and performs the responsibilities of an Area Agency on Aging (AAA) by delivering and contracting for services on the local level.

**Services Provided:** DSAAPD provides both direct and indirect services to older Delawareans. DSAAPD and its contractors provide adult day services, adult foster care, adult protective services, Alzheimer’s day treatment, assisted living, assistive devices, attendant services, case management, cognitive services, congregate meals, day habilitation, Delaware Kinship Navigator program, Delaware Money Management Program, Delaware Senior Medicare Patrol Program, home delivered meals, home modification, housekeeping, information and assistance, Joining Generations, legal services, the Long-Term Care Ombudsman Program, Medicaid waiver for assisted living, Medicaid waiver for the elderly and disabled, medical transportation, nursing home transition program, personal care, personal emergency response system, respite care, and the Senior Community Service Employment Program.
Our Maturing Movement

Funding:

**Funding Sources:** Delaware funds its services with Older Americans Act (OAA) funds and state treasury funds.

**Funding Formula:** Since Delaware is not divided into different regions for the provision of services, there is no state funding formula.

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** Delaware does not provide a definition.

**Definition of Greatest Economic Need:** Delaware does not provide a definition.

**Definition of Greatest Social Need:** Delaware does not provide a definition.

**Definition of Minority:** Delaware does not provide a definition.

**Non-Discrimination in State Statutes:**

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<td>Insurance(^{100})</td>
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\(^{97}\) DEL. CODE tit. 19§ 711: Employers may not “fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment because of such individual’s race, marital status, genetic information, color, age, religion, sex, sexual orientation, or national origin.”

\(^{98}\) DEL. CODE tit. 6 § 4603(b)(1).

\(^{99}\) DEL. CODE tit. 6 § 4504.

\(^{100}\) DEL. CODE tit. 18 § 2304(22) (“It shall be an unlawful practice for any insurance company licensed to do business in this State to discriminate in any way because of the insured’s race, color, religion, sexual orientation, or national origin.”)
Agency Non-Discrimination Policies:

The Delaware Department of Health and Social Services (DHSS) does not have a non-discrimination policy.

Recommendations:

- Amend non-discrimination statutes to include protection on the basis of age in the areas of credit, education, and insurance.
- Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in the areas of credit and education.
- Amend current non-discrimination statutes to include protections on the basis of gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.
- Create a DHSS non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.
- Create a non-discrimination policy that prohibits DSAAPD contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.
- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.
Florida

Advisory Body:

**Composition:** The Florida Department of Elderly Affairs (DOEA) Advisory Council is comprised of seventeen commissioners, each of whom is appointed to a three-year term. The governor appoints one member from each of the state’s eleven planning and service areas and two at-large members. The President of the Senate and the Speaker of the House each appoint two at-large members. The majority of the Council’s members must be age sixty or older and the governor must assure that there is “balanced minority and gender representation” on the Council.  

101 FLA. STAT. § 430.05(3).

**Scope of Authority:** The Council serves in an advisory capacity to the Secretary of Elderly Affairs to assist in carrying out the purposes, duties, and responsibilities of the DOEA. The Council may make recommendations to the Secretary, the Governor, the Speaker of the House of Representatives, and the President of the Senate concerning organizational issues and additions or reductions in the DOEA’s duties and responsibilities.  


Administration:

**Agency Responsible for Services:** The Florida DOEA is responsible for the provision of services to older Floridians.


**Services Provided:** DOEA provides most services through its Division of Statewide Community-Based Services, which works through the state’s eleven Area Agencies on Aging (AAA) and local service providers. DOEA also directly administers a wide range of programs, including the Long-Term Care Ombudsman Program, Statewide Public Guardianship Office, Communities for a Lifetime, caregiver respite program, legal services, the adult care food program, assisted living facilities, adult day care, Serving Health Insurance Needs of Elders (SHINE), and Comprehensive Assessment and Review for Long-Term Care Services (CARES).
Funding:

**Funding Sources:** Florida funds its services through Older Americans Act (OAA) funds, state funds, and the Tobacco Settlement Trust Fund.

**Funding Formula for Services:** Florida first provides each AAA with base funding equal to fiscal year 2003’s funding level. Florida distributes the remainder of OAA funds to the AAA in accord with the following formula:

- Thirty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Thirty-five percent of funds are awarded based upon a district’s proportion of the state population sixty and over below 100% of the poverty level;
- Fifteen percent of funds are awarded based upon a district’s proportion of the state population age sixty and over and below 125% of the federal poverty level; and,
- Fifteen percent of funds are awarded based upon a district’s proportion of the state population age sixty-five and older living with two or more disabilities.

**Funding Formula for Administration:** Florida provides a base allocation of seven percent of Title III funds to the AAAs for administration. Each AAA is guaranteed a minimum of $230,000. The remainder of the seven percent of Title III funds are distributed as follows:

- Fifty percent of funds are awarded based upon a district’s proportion of the population age sixty and over;
- Twenty-five percent of funds are awarded based upon the number of counties in the district’s service area; and,
- Twenty-five percent of funds are awarded based upon the amount of funds designated to the district in the Community Care for the Elderly program.  

**Funding Formula for Funds to be Made Available for Disease Prevention and Health Promotion (Title III-D) and Elder Abuse Prevention (Part of Title VII):** “Title III-D funds are distributed by first allocating all funding based on a formula of 50 percent of the medically underserved and 50 percent of the population below poverty age 60 and older, and then applying a ‘hold harmless’ principle to the previous year’s total funding enabling each area agency on aging to receive at least the level of funding it had received in the prior year.”

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105 Id.
Departmental Non-discrimination Provisions or Policies:

The Department of Elderly Affairs (DOEA) does not have a departmental non-discrimination policy.

Recommendations:

- Expand non-discrimination statutes to include protection on the bases of sexual orientation and gender identity or expression in employment.

- Amend non-discrimination statutes to include protections on the bases of age, sexual orientation and gender identity or expression in the areas of housing, public accommodations, credit, education, and insurance.

- Create a departmental non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

- Create a non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

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106 FLA. STAT. § 760.10: Employers may not “discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, national origin, age, handicap, or marital status.”

107 “Public accommodation” is lengthily defined, but may not include hospitals, nursing homes, and so forth: “Public accommodations” means places of public accommodation, lodgings, facilities principally engaged in selling food for consumption on the premises, gasoline stations, places of exhibition or entertainment, and other covered establishments.” FLA. STAT. § 760.02. Although there are no protections based upon age or sexual orientation in the general public accommodations statute, there are protections against such discrimination in hospice care. FLA. STAT. § 400.6095 provides that “[e]ach hospice shall make its services available to all terminally ill persons and their families without regard to age, gender, national origin, sexual orientation, disability, diagnosis, cost of therapy, ability to pay, or life circumstances.”
Georgia

Advisory Body:

Composition: The Georgia Council on Aging is comprised of twenty members, each of whom is appointed to a two-year term. The governor appoints four consumers of aging services and four representatives of the policy community to the Council. The Commissioner of Human Resources, the President of the Senate, and the Speaker of the House each appoint two aging consumers and two representatives of the policy community to the Council. Among the ten consumers of aging services appointed to the Council, there must be representatives of the low-income and minority communities “at least in proportion to their number in the population of the state.”

Scope of Authority: The Council “serves in an advisory capacity to the governor, the General Assembly, the board, the department, and all other state agencies in matters relating to the elderly.”

Administration:

Agency Responsible for Services: The Georgia Division on Aging Services (DAS), within the Department of Human Resources, is responsible for the provision of services to older Georgians.

Services Provided: The DAS “provides state leadership, manages contracts with Area Agencies on Aging (AAA), administers federal and state funding, and provides the policy framework for programmatic direction and operations, standards, and guidelines for service delivery systems, quality assurance and training.” Through Georgia’s twelve AAA, the DAS provides adult protective services, community care services, elderly legal assistance, the GeorgiaCares Program, mobile day care, the Long-Term Care Ombudsman Program, the Senior Community Service Employment Program, and the Aging and Disability Resource Connection Program.

Funding:

Funding Sources: Georgia funds its services through Older Americans Act (OAA) funds, tobacco settlement funds, and state funds.
Funding Formula: Funding is distributed to the twelve AAAs in accord with the following formula:

- Fifty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Fifteen percent of funds are awarded based upon a district’s proportion of the state population sixty-five and over below 100% of the federal poverty level;
- Ten percent of funds are awarded based upon a district’s proportion of the state population age sixty-five and over who are members of a minority;
- Thirteen percent of funds are awarded based upon a district’s proportion of the state population age sixty and over living in a rural area;
- Ten percent of funds are awarded based upon a district’s proportion of the state population age sixty-five and over who are disabled; and,
- Two percent of funds are awarded based upon a district’s proportion of the state population age sixty-five and over with limited English proficiency. 112

Funding-Related Definitions:

Definition of Vulnerable Elder or Population: Georgia does not provide a definition.

Definition of Greatest Economic Need: Georgia does not provide a definition.

Definition of Greatest Social Need: Georgia does not provide a definition.

Definition of Minority: Georgia does not provide a definition.
Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
<th></th>
<th>Georgia Statutes Prohibit Discrimination on the Basis of</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Age</td>
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<tr>
<td>Employment 113</td>
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<tr>
<td>Housing 114</td>
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<td>Public Accommodations 115</td>
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<td>Credit 116</td>
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<td>Education</td>
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<tr>
<td>Insurance</td>
<td>✓</td>
</tr>
</tbody>
</table>

Departmental Non-discrimination Provisions or Policies:

The Georgia Department of Human Resources does not have a non-discrimination policy.

Recommendations:

- Amend non-discrimination statutes to include protection on the basis of age in the areas of housing, public accommodations, credit, education, and insurance.

- Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

- Create a departmental non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

- Create a non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.
Hawaii

Advisory Body:

Composition: The Hawaii Policy Advisory Board for Elderly Affairs “shall consist of not less than twenty-one nor more than twenty-nine members.” A majority of the Board’s members must be over age sixty. The Board must consist of at least one member from the county of Hawaii, one member from the county of Maui, one member from the county of Kauai, and one member from the city of Honolulu. Nine members of the Board are ex-officio members chosen by the governor from the heads of state agencies that provide elder services. The non ex-officio members each serve four-year terms. “The members shall serve without compensation, but shall be paid their necessary expenses in attending meetings and carrying out the responsibilities of the board. The chairperson shall be elected annually from the nongovernmental members of the board. There shall be not less than twelve meetings of the board each year.”

Scope of Authority: The Board advises the director of the Executive Office on Aging in the following areas: “(1) The identification of issues and alternative approaches to solutions; (2) The development of position statements and papers; (3) Advocacy and legislative actions; and (4) Program development and operations.”

Administration:

Agency Responsible for Services: The Hawaii Executive Office on Aging (EOA), housed within the Department of Health is responsible for the provision of services to older Hawaiians.

Services Provided: The EOA is the designated lead agency in the coordination of a statewide system of aging and caregiver support services in Hawaii. Either directly or through the state’s four Area Agencies on Aging (AAA), the EOA provides health promotion and disease prevention programs, the Long-Term Care Ombudsman Program, adult day care, assistant transportation, attendant care, case management, home and congregate meals, legal assistance, and family caregiver support.

117 HAW. REV. STAT. § 349-4.
118 Id.
• Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and older;
• Thirty percent of funds are awarded based upon a district’s proportion of the state population sixty and over below 115% of the federal poverty level;
• Twenty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are members of a minority and who are living below 115% of the federal poverty level;
• Twenty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are disabled, have limited English proficiency, or live in a rural area; and,
• Five percent of funds are awarded based upon a district’s inverse population density (to reflect the higher cost of delivering services in rural areas).  

OAA Part D funds for disease prevention and health promotion are distributed to the four AAAs in accord with the following formula:

• Forty percent of funds are awarded based upon a district’s proportion of the state’s population sixty and over below 115% of the poverty level;
• Twenty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are members of a minority and who are living below 115% of the federal poverty level; and,
• Forty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are disabled, have limited English proficiency, or live in a rural area.  

Funding-Related Definitions:

**Definition of Vulnerable Elder or Population:** Hawaii does not provide a definition.

**Definition of Greatest Economic Need:** The Hawaii State Plan on Aging defines the ‘greatest economic need’ as “older adults with income below 115% of the DHHS poverty level.”  

**Definition of Greatest Social Need:** The Hawaii State Plan on Aging defines the ‘greatest social need’ as “older adults with the following characteristics: disabilities [who have one or more
disabilities], language barrier [who speak English ‘not well’ or ‘not at all’], Geographic Isolation [who live in a rural area].”  

**Definition of Low-Income Minority:** The Hawaii State Plan on Aging defines members of a ‘low-income minority’ as “[o]lder adults who are either African American, American Indian or Alaska native, Asian, Native Hawaiian or Pacific Islander, or Hispanic and in the greatest economic need.”  

**Non-Discrimination in State Statutes:**

<table>
<thead>
<tr>
<th>Hawaii Prohibits Discrimination on the Basis of</th>
<th>Age</th>
<th>Sexual Orientation</th>
<th>Gender Identity or Expression</th>
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<td>Employment</td>
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<tr>
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</table>

In addition to the above, “[t]he practice of discrimination because of race, color, religion, age, sex, sexual orientation, marital status, national origin, ancestry, or disability in employment, housing, public accommodations, or **access to services receiving state financial assistance** is against public policy” and illegal.  

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124 Id.
125 Id.
126 HAW. REV. STAT. § 378-2(1); Employers may not discriminate on the basis of “race, sex, sexual orientation, age, religion, color, ancestry, disability, marital status, or arrest and court record.”
127 HAW. REV. STAT. § 515-3: Owners, landlords, and so forth may not discriminate on the basis of “race, sex, including gender identity or expression, sexual orientation, color, religion, marital status, familial status, ancestry, disability, age, or human immunodeficiency virus infection.”
128 “Public accommodation,” as defined, specifically includes “a comfort station; or a dispensary, clinic, hospital, convalescent home, or other institution for the infirm.” HAW. REV. STAT. § 489-2(9).
129 HAW. REV. STAT. § 368-1.
Departmental Non-Discrimination Provisions or Policies:

The Hawaii Department of Health and its contractors are prohibited from discriminating in employment or the provision of services on the bases of age and sexual orientation by HAW. REV. STAT. § 368-1. The Department has no non-discrimination policy based upon gender identity or expression.

Recommendations:

• Expand non-discrimination statutes to include protection on the basis of age in the areas of public accommodations, credit, education, and insurance.

• Amend non-discrimination statutes to include protections on the basis of sexual orientation in the areas of credit, education, and insurance.

• Amend non-discrimination statutes to include protections on the basis of gender identity or expression in the areas of employment, credit, education, insurance, and access to services receiving state funds.

• Create a departmental non-discrimination policy that prohibits the Department and its contractors from discriminating on the basis of gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.
Idaho

Advisory Body:

Composition: The Idaho Commission on Aging is comprised of seven members, each of which is appointed by the governor to a four-year term. At least four members must be age sixty or over. The commissioners should be chosen “to assure appropriate geographic representation of the state.” No more than four members may belong to the same political party.\(^ {130} \)

Scope of Authority: The Council serves “as an advocate within state government and the community” and “as an advisory body regarding state legislative issues affecting older Idahoans.”\(^ {131} \) The Council also oversees Idaho’s six Area Agencies on Aging (AAA).

Administration:

Agency Responsible for Services: The Idaho Commission on Aging, housed within the Executive Office of the Governor, is responsible for the provision of services to older Idahoans.

Services Provided: The Idaho Commission on Aging oversees the AAAs. The AAAs provide services and community education programs for older Idahoans. Services and programs include the Family Caregiver Support Program, ombudsman, adult protection, in-home support services, nutrition services, Medicare information, and health promotion.\(^ {132} \)

Funding:

Funding Sources: Idaho funds its services for older people through Older Americans Act (OAA) funds.

Funding Formula: As a base allotment, each AAA is given $50,000 for services and approximately $90,000 for administration. The remaining funds are distributed to proportionally after totaling the number of consumers meeting each of the following criteria (for the purposes of calculating AAA funding, many people will be counted multiple times):

- Age sixty-five and older and living below 100% of the federal poverty level;
- Age sixty-five and older and living alone;
- Age sixty and over and members of a racial minority;

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130 About the Commissioners, http://www.idahoaging.com/abouticoa/commissPg.htm.
Departmental Non-Discrimination Provisions or Policies:

The Idaho Commission on Aging does not have a non-discrimination policy.

Recommendations:

• Expand non-discrimination statutes to include protection on the basis of age in the areas of housing, public accommodations, credit, education, and insurance.
• Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

• Create a non-discrimination policy in the Commission on Aging that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.
Illinois

Advisory Body:

Composition: The Illinois Council on Aging is comprised of thirty-one members, each of whom is appointed to a three-year term. Twenty-three members are appointed by the governor and “shall represent, so far as possible, different geographical sections of the State.” At least sixteen of these members must be age sixty or older and no more than twelve of these members may be of the same political party. The remaining eight members are state legislators who are appointed by the leadership of the legislature.

Scope of Authority: “The Council is mandated to review and comment on reports by the Department [on Aging] to the governor and to the General Assembly, and to review and comment upon the Department’s State Plan and on all disbursements of public funds by the Department to private agencies.”

Administration:

Agency Responsible for Services: The Department on Aging (DOA), housed within the Executive Office of the Governor, is responsible for the provision of services to older Illinoisans.

Services Provided: The DOA oversees Illinois’s sixteen Area Agencies on Aging (AAA). The AAAs provide services and community education programs for older Illinoisans. Services and programs include case management, homemaker services, adult day care, senior centers, caregiver support, congregate and home-delivered meals, transportation, senior employment programs, an elder abuse and neglect program, the Long-Term Care Ombudsman Program, legal assistance, and the senior helpline.

Funding:

Funding Sources: Illinois funds its services through Older Americans Act (OAA) funds and state funds from the general treasury.
Funding Formula: Illinois’s OAA funds are distributed to the AAA in accord with the following formula:

- Forty-one percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population sixty and over below the federal poverty level;
- Ten percent of funds are awarded based upon a district’s proportion of the state population over age sixty and who are members of a minority group;
- 9 percent of funds are awarded based upon a district’s proportion of the state population age sixty and older who reside in a rural area;
- 7.5 percent of funds are awarded based upon a district’s proportion of the state population age sixty and older who live alone; and,
- 7.5 percent of funds are awarded based upon a district’s proportion of the state population age seventy-five and over.  

Funding-Related Definitions:

Definition of Vulnerable Elder or Population: Illinois does not provide a definition.

Definition of Greatest Economic Need: According to the Illinois State Plan on Aging, “‘greatest economic need’ means the need resulting from an income level at or below the poverty threshold established by the U.S. Department of Health and Human Services. Poverty thresholds for 2005 are currently set at $9,570 for a one-household and $12,830 for a two-person household.”

Definition of Greatest Social Need: According to the Illinois State Plan on Aging, “‘greatest social need’ means the need caused by non-economic factors which include physical and mental disabilities, language barriers, cultural, social or geographic isolation including that caused by racial and ethnic status (for example - Black, Hispanic, Native American, Asian American) which restricts an individual’s ability to perform normal daily tasks or which threaten his or her capacity to live independently.”

Definition of Minority: According to the Illinois State Plan on Aging, “‘minority’ means those persons who identify themselves as belonging to a particular ethnic/racial grouping as classified by the Bureau of the Census. This includes persons who identify themselves...
as African American, Hispanic, American Indian, Alaskan, Asian, Hawaiian and Pacific Islander.”

Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
<th>Illinois Statutes Prohibit Discrimination on the Basis of</th>
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<tr>
<td>Insurance</td>
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</table>

Departmental Non-Discrimination Provisions or Policies:

The Department of Aging has an “Americans With Disabilities Act and Civil Rights Program” grievance procedure for individuals who are “protected against discrimination under federal and State civil rights laws based on classification characteristics such as age; ancestry, citizenship, color, national origin or race; creed or religion; disability; familial status, gender, sex, or sexual orientation; military status or unfavorable discharge from military service; or retaliation for having opposed an unlawful practice.”

Recommendations:

- Create an insurance non-discrimination statute to prevent insurers from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Create a non-discrimination policy that prohibits the DOA and its contractors from discriminating in the provision of services on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.

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144 Id.
145 “Sexual orientation” is defined to include “gender-related identity, whether or not traditionally associated with the person’s designated sex at birth.”
146 775 ILL. COMP. STAT. 5/2-101 et seq.
147 775 ILL. COMP. STAT. 5/3-101 et seq.
148 775 ILL. COMP. STAT. 5/5-101 et seq. “Place of public accommodation” is defined to include “an insurance office, professional office of a health care provider, hospital, or other service establishment” (5/5-101(A)(6)) and “a senior citizen center” (5/5-101(A)(12)).
149 775 ILL. COMP. STAT 5/4-101 et seq.
150 See 775 ILL. COMP. STAT 5/5-101(A)(11), defining public accommodations to include “a non-sectarian nursery, day care center, elementary, secondary, undergraduate, or postgraduate school, or other place of education in regard to the failure to enroll an individual or the denial of access to its facilities, goods, or services.”
151 See 4 ILL ADMIN. CODE § 1725 et seq.
Indiana

Advisory Body:

Composition: The Indiana Commission on Aging is comprised of sixteen members, each of whom serves a four-year term. Members are appointed by the governor, and “must be Indiana residents who are interested in the problems of the aging and the aged.” No more than eight members may be from the same political party, and no more than two members may be from the same county. At least one member must be appointed from each of Indiana’s nine congressional districts.

Scope of Authority: The Commission is tasked with studying and discussing “the problems of the aging and the aged,” as well as assisting the Division of Aging “in the development of a comprehensive plan to meet the needs of the aged.”

Administration:

Agency Responsible for Services: The Indiana Division of Aging (IDOA), housed within the Family and Social Services Administration (FSSA), is responsible for the provision of services to older Indianans.

Services Provided: The IDOA oversees Indiana’s sixteen Area Agencies on Aging (AAA) and administers federal, state, and local grants as well as other sources of funding to coincide with the Older Americans Act (OAA) and Administration on Aging’s Federal and local agenda. The IDOA also facilitates the following programs: guardianship services, adult protective services, CHOICE, hospice care, the Long-Term Care Ombudsman Program, the Medicaid Waiver Program, the Money Management Program, the Nutrition Program, the Older Hoosiers Program, OBRA / PASRR Administration, OPTIONS, adult day services, adult foster care, assisted living, home health care, nursing facilities, self-directed attendant care, the Residential Care Assistance Program, the Assistance to Residents in County Homes Program, the Social Services Block Grant, the Temporary Assistance to Needy Families Program, the Supportive Services and Senior Centers Program, disease prevention and health promotion services, The National Family Caregiver Support Program, and the Senior Community Service Employment Program.
Funding:

**Funding Sources:** Indiana funds its services through OAA funds and through various state and local grants.\(^{157}\)

**Funding Formula:** Indiana gives a base allotment of $120,000 to each AAA. The remainder of Indiana’s OAA funds are distributed to the AAA in accord with the following formula:

- Thirty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Forty-five percent of funds are awarded based upon a district’s proportion of the state population sixty and over below 100% of the poverty level;
- 5 percent of funds are awarded based upon a district’s proportion of the state minority population age sixty and over;
- Ten percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who reside in rural areas;
- 5 percent of funds are awarded based upon a district’s share of the minority population and sixty and over; and,
- 5 percent of funds are awarded based upon a district’s proportion of the state population age sixty and over with limitations on activities of daily living.\(^{158}\)

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** Indiana does not provide a definition.

**Definition of Greatest Economic Need:** Indiana does not provide a definition.

**Definition of Greatest Social Need:** Indiana does not provide a definition.

**Definition of Low-Income Minority:** Indiana does not provide a definition.

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\(^{157}\) “The FSSA DA administers federal, state, and local grants as well as other sources of funding to coincide with the OAA and Administration on Aging’s Federal and local agenda.” FSSA: Overview, available at http://www.in.gov/fssa/da/3466.htm.

Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
<th>Indiana Statutes Prohibit Discrimination on the Basis of</th>
<th>Age</th>
<th>Sexual Orientation</th>
<th>Gender Identity or Expression</th>
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<tr>
<td>Employment(^{159})</td>
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<tr>
<td>Insurance</td>
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</table>

Departmental Non-Discrimination Provisions or Policies:

The IDOA does not have a non-discrimination policy.

**Recommendations:**

- Expand non-discrimination statutes to include protection on the basis of age in the areas of employment, housing, public accommodations, education, and insurance.

- Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

- Create a departmental non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

- Create a non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, or gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.

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159 Indiana’s main anti-discrimination statute, the Indiana Civil Rights Law, covers discrimination in employment, education, real estate, and public accommodations. The law does not prohibit discrimination based upon age, sexual orientation, or gender identity or expression. IND. CODE 22-9-1.

160 Indiana prohibits employers from discriminating on the basis of age when the employee is between 40 and 75 years of age. IND. CODE 22-9-2-1 et seq.

161 Indiana prohibits creditors from discriminating “against any applicant with respect to any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, or age.” IND. CODE 24-9-3-9.

162 Indiana prohibits insurers from cancelling “property insurance coverage” if the cancellation is based on the insured’s “race, religion, nationality, ethnic group, age, sex, or marital status.” IND. CODE 27-7-12-7.
Iowa

Advisory Body:

Composition: The Iowa Commission on Aging is comprised of eleven members, each of whom is appointed to a four-year term. The Governor appoints seven members, four of whom must be age fifty-five or older. No more than four of the governor's appointees may be members of any one political party. \(^{163}\) The other four members of the Commission are state legislators who are not allowed to vote in the Commission. \(^{164}\)

Scope of Authority: The Commission has approval authority over the state plan on aging, and it is empowered to “adopt policies to administer state programs” and “adopt policies to coordinate state activities related to the purposes of [the Department on Aging].” \(^{165}\)

Administration:

Agency Responsible for Services: The Iowa Department on Aging (IDA), housed within the Family and Social Services Administration, is responsible for the provision of services to older Iowans.

Services Provided: IDA oversees Iowa’s thirteen Area Agencies on Aging (AAA). The AAAs provide over $30 million in services and community education programs for older Iowans. Services and programs include nutrition services, transportation services, caregiver support, elder abuse prevention, disease prevention and health promotion, legal assistance, the Long-Term Care Ombudsman Program, community based services, the Senior Internship Program, the Medicaid Waiver Program, and transportation. \(^{166}\)

Funding:

Funding Sources: Iowa funds its services through Older Americans Act (OAA) funds and state funds. \(^{167}\)

Funding Formula: Iowa’s OAA funds are distributed to the thirteen AAAs in accord with the following formula:

- Fifty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over living below the federal poverty line;
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population sixty and over; and

\(^{163}\) Iowa Code § 231.12.
\(^{165}\) Iowa Code § 231.14.
\(^{166}\) Iowa Department on Aging Website http://www.aging.iowa.gov/.
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are members of a minority.\footnote{168}

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** Iowa does not provide a definition.

**Definition of Greatest Economic Need:** Iowa does not provide a definition.

**Definition of Greatest Social Need:** Iowa does not provide a definition.

**Definition of Low-Income Minority:** Iowa does not provide a definition.

**Non-Discrimination in State Statutes:**

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**Departmental Non-Discrimination Provisions or Policies:**

The Idaho Department on Aging (IDA) does not have a non-discrimination policy.

\footnote{168 Id. at M-3.}\footnote{169 IA ST § 216.6(1).}\footnote{170 See IA ST § 216.8.}\footnote{171 See IA ST § 216.7.}\footnote{172 See IA ST § 216.9.}\footnote{173 IA ST § 216.10(1)(a).}
Recommendations:

• Expand non-discrimination statutes to include protection on the basis of age in the areas of housing, public accommodations, and education.

• Create an IDA non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

• Create an IDA non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.
Kansas

Advisory Body:

**Composition:** The Kansas State Advisory Council on Aging is comprised of fifteen members, each of whom serves a three-year term. Four of the members are state legislators; the remaining eleven members are appointed by the governor. The governor’s eleven appointees “shall represent insofar as possible different geographical, social and ethnic groups,” and a majority of the council must be at least 60 years of age. Additionally, at least one member of the Council “shall be licensed by the state and be actively engaged in the administration of adult care homes within the state.”

**Scope of Authority:** The Council is empowered to recommend candidates for Secretary of Aging, to review and comment on the reports of the Kansas Department on Aging, and to prepare a report “evaluating the level and quality of all programs, services and facilities provided to the aging by state agencies.”

**Administration:**

**Agency Responsible for Services:** The Kansas Department on Aging (KDOA), housed within the Executive Office of the Governor, is responsible for the provision of services to older Kansans.

**Services Provided:** The KDOA oversees Kansas’s eleven Area Agencies on Aging (AAA) which provide services and community education programs for older Kansans. Among the many programs and services provided are the Aging and Disability Resource Center, case management, the Client Assessment, Referral and Evaluation Program (CARE), Complaint Hotline, home- and community-based services for the frail elderly, information and assistance, legal assistance, the Lifelong Communities Initiative, the Money Follows the Person Program, nursing facility Medicaid rate-setting, a nutrition program, disease prevention and health promotion, and home-delivered and congregate meals.
Funding:

**Funding Sources:** Kansas funds its services through Older Americans Act (OAA) funds and state funds.

**Funding Formula:** Kansas provides a base allotment of $150,000 to each AAA. The remainder of Kansas’s OAA funds are distributed to the AAAs in accord with the following formula:
- Twenty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Forty percent of funds are awarded based upon a district’s proportion of the state population sixty and over below 100% of the poverty level; and,
- Forty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over and who are minorities.

**Funding-Related Definitions:**

**Definition of Vulnerable Adult:** Kansas does not provide a definition.

**Definition of Greatest Economic Need:** Kansas does not provide a definition.

**Definition of Greatest Social Need:** Kansas does not provide a definition.

**Definition of Minority Individuals:** Kansas does not provide a definition.

**Non-Discrimination in State Statutes:**

<table>
<thead>
<tr>
<th>Kansas Statutes Prohibit Discrimination on the Basis of</th>
<th>Age</th>
<th>Sexual Orientation</th>
<th>Gender Identity or Expression</th>
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<tr>
<td>Employment</td>
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<td>Housing</td>
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<tr>
<td>Insurance</td>
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</tbody>
</table>

180 Id. at F-19.
Departmental Non-Discrimination Provisions or Policies:

The KDOA does not have a non-discrimination policy.

Recommendations:

• Expand non-discrimination statutes to include protection on the bases of age, sexual orientation, and gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

• Create a KDOA non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

• Create a KDOA non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.
Kentucky

Advisory Body:

Composition: The Kentucky Institute for Aging is comprised of fifteen members, each of whom is appointed by the governor. The composition of the board shall broadly represent public interest groups concerned with the needs of the aged, professionals involved in the delivery of services to the aged, minority groups, recipients of state-provided services to the aged, and the general public.

Scope of Authority: The Institute “shall advise the secretary for health and family services and other officials of the Commonwealth on policy matters relating to the development and delivery of services to the aged.”

Administration:

Agency Responsible for Services: The Kentucky Department for Aging and Independent Living (DAIL), within the Cabinet for Health and Family Services, is responsible for the provision of services to older Kentuckians.

Services Provided: The DAIL oversees Kentucky’s fifteen Area Agencies on Aging (AAA). The AAAs provide services and community education programs for older Kentuckians. Services and programs include adult day care, Alzheimer’s disease respite, assisted living, caregiver support, elder abuse prevention, public guardianship, the Long-Term Care Ombudsman Program, attendant services for the disabled, community services employment, congregate and home-delivered meals, and in-home services.

Funding:

Funding Sources: Kentucky funds its services through Older Americans Act (OAA) funds and through state funds.

Funding Formula: Kentucky’s formula for funding the AAAs is available in an appendix to the State Plan on Aging. That appendix was not available as of this writing.

181 KY. REV. STAT. § 194A.090(3)(b). Term limits are undefined.
182 KY. REV. STAT. § 194A.090(3)(b).
183 KY. REV. STAT. § 194A.090(3)(a).
184 “DAIL is the lead state agency responsible not only for administering the programs included in the Older Americans Act but for establishing and maintaining the infrastructure necessary to meet the needs of the aged and disabled at the local level.” Kentucky State Plan on Aging: Fiscal Years 2009-2012 6, available at http://chfs.ky.gov/NR/rdonlyres/585CBA10-9F0C-4E8B-80EB-AB06611D3D7/B/0/KentuckyStatePlanonAging20092012.pdf.
185 DAIL Website, available at http://chfs.ky.gov/dail/Programs.htm
Funding-Related Definitions:

**Definition of Vulnerable Adult:** Kentucky does not provide a definition.

**Definition of Greatest Economic Need:** Kentucky does not provide a definition.

**Definition of Greatest Social Need:** Kentucky does not provide a definition.

**Definition of Minority Individuals:** Kentucky does not provide a definition.

Non-Discrimination in State Statutes:

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<tbody>
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<td>✔️</td>
<td>✗</td>
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<tr>
<td>Housing</td>
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<tr>
<td>Public Accommodations(^{187})</td>
<td>✗</td>
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<tr>
<td>Credit</td>
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</table>

Departmental Non-Discrimination Provisions or Policies:

The Department for Aging and Independent Living (DAIL) does not have a non-discrimination policy.

Recommendations:

- Expand non-discrimination statutes to include protection on the basis of age in the areas of housing, public accommodations, credit, education, and insurance.

- Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

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\(^{186}\) Kentucky employers may not discriminate on the basis of age against employees “age forty and over.” KY. REV. STAT. § 344.040(1).

\(^{187}\) KY. REV. STAT. § 344.130.
• Create a DAIL non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

• Create a DAIL non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.


Louisiana

Advisory Body:

Composition: The Louisiana Executive Board on Aging is comprised of fifteen members, each of whom serves a five-year term. 188 Five members are appointed by the governor, five by the House, and five by the Senate. The house, senate, and governor each must appoint one member from each of the state’s five Public Service Commission Districts. Appointees must first be nominated by an organization from a list in the state code. 189 Preference is given to persons sixty years of age and older. 190

A person is not eligible to serve on the board if the person or the person’s spouse is employed by a business or organization that is regulated by or receives funding from the governor’s office of elderly affairs or if the person or the person’s spouse owns, controls, or has more than a ten percent interest in a business or organization regulated by, or receiving funds from, the governor’s office of elderly affairs.

Scope of Authority: The Board is empowered to, among other things, “develop and implement policies and procedures pertaining to the office of elderly affairs and its functions,” and to “approve … all rules and regulations promulgated by the board or the office which pertain to elderly affairs and voluntary parish councils on aging.” 191

Administration:

Agency Responsible for Services: The Governor’s Office of Elderly Affairs (GOEA) is responsible for the provision of services to older Louisianans.

Services Provided: The GOEA oversees Louisiana’s thirty-seven Area Agencies on Aging (AAA). The AAAs provide services and community education programs for older Louisianans. Services and programs include transportation services, legal assistance, employment services, elder abuse prevention, Long-Term Care Ombudsman, and caregiver support. 192

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188 LA R.S. 46:933(B). Term limits are not defined.
189 “Nominations for the board shall be solicited from the Louisiana Association of Councils on Aging, the Louisiana State Medical Society, the Louisiana State Bar Association, the National Association of Social Workers—Louisiana Chapter, the National Association of Black Social Workers—Louisiana Chapter, the American Association of Retired Persons, the Louisiana Association of Business and Industry, the AFL-CIO, the Louisiana Geriatric Education Center, the Louisiana Interchurch Conference, and other entities as appropriate. Appointments shall be made from the lists of names submitted. The persons appointed shall have a recognized interest in and knowledge of the problems of aging and none of the members of the board shall be elected officials or paid employees of the state of Louisiana. Preference shall be given to persons sixty years of age and older.”
190 LA REVSTAT. 46:933.
191 LA, REVSTAT. 46:934.
Funding:

**Funding Sources:** Louisiana funds its services through Older Americans Act (OAA) funds.¹⁹³

**Funding Formula:** Louisiana provides a base allotment of $12,000 for each AAA.¹⁹⁴ The remainder of Louisiana’s OAA funds are distributed to the AAAs in accord with the following formula:

- 33.33 percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- 33.33 percent of funds are awarded based upon a district’s proportion of the state land area;
- Thirty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over living below the poverty line; and,
- 33.33 percent of funds are awarded based upon a district’s proportion of the state population age seventy-five and older.¹⁹⁵

**Funding-Related Definitions:**

**Definition of Vulnerable Adult:** Louisiana does not provide a definition.

**Definition of Greatest Economic Need:** Louisiana does not provide a definition.

**Definition of Greatest Social Need:** Louisiana does not provide a definition.

**Definition of Minority Individuals:** Louisiana does not provide a definition.

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¹⁹³ See Louisiana State Plan on Aging: October 1, 2008 through September 30, 2010 33. (Not available online.)
¹⁹⁴ Id.
¹⁹⁵ Id.
Departmental Non-Discrimination Provisions or Policies:

The Governor’s Office on Elderly Affairs does not have a non-discrimination policy.

**Recommendations:**

- Expand non-discrimination statutes to include protection on the basis of age in the areas of housing, credit, education, and insurance.

- Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

- Create a GOEA non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

- Create a GOEA non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

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196 LA. REV.STAT. § 23:312.
197 LA. REV.STAT. § 51:2601 et seq.
198 Public accommodation is defined broadly, and likely includes most educational institutions LA. REV.STAT. § 51:22232(10).
199 LA. REV.STAT. § 51:2247.
200 LA. REV.STAT. § 9:3583.
201 LA. REV.STAT. § 17:1111; LA R.S. 17:2053(D)(3).
Maine

Advisory Body:

Composition: There is currently no advisory body on aging policy in Maine. Formerly, the Maine Committee on Aging served in this capacity. The Committee was dissolved in the early 1990s, and a 2000 attempt to reestablish it (as the Maine Council on Aging) failed.\(^\text{203}\)

Administration:

Agency Responsible for Services: The Department of Health and Human Services (DHHS) is responsible for the provision of services to older Mainers.

Services Provided: The DHHS oversees Maine’s five Area Agencies on Aging (AAA). The AAAs provide services and community education programs for older Mainers.\(^\text{204}\) Services and programs include nutrition services, transportation services, National Family Caregiver Support, elder abuse prevention, in-home services for the frail elderly, disease prevention and health promotion, legal assistance, Long-Term Care Ombudsman, community-based services, and senior community services employment.\(^\text{205}\)

Funding:

Funding Sources: Maine funds its services through Older Americans Act (OAA), state, and local funds.\(^\text{206}\)

Funding Formula: Ten percent of Maine’s OAA funds are distributed equally to the AAAs as base allotments; the remaining ninety percent is distributed proportionally after adjusting each planning and service area’s population according to the following factors\(^\text{207}\):

- The district’s population age sixty and over;
- The district’s population age seventy-five and over;
- The district’s population age sixty and over who are minorities;
- The district’s population age sixty and over who have the greatest social need;

\(^\text{206}\)The State Plan addresses only Older Americans Act funds.
• The district’s population age sixty and over who are have the greatest economic need;
• The district’s population age sixty and over who live in a rural area.208

Funding-Related Definitions:

Definition of Vulnerable Elder or Population: Maine does not provide a definition.

Definition of Greatest Economic Need: Maine does not provide a definition.

Definition of Greatest Social Need: Maine does not provide a definition.

Definition of Minority: Maine does not provide a definition.

Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
<th>Maine Statutes Prohibit Discrimination on the Basis of</th>
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<tbody>
<tr>
<td>Employment210</td>
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<td>Age</td>
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<tr>
<td>Sexual Orientation</td>
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<tr>
<td>Gender Identity or Expression209</td>
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<tr>
<td>Housing211</td>
</tr>
<tr>
<td>Public Accommodations212</td>
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<tr>
<td>Credit213</td>
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<tr>
<td>Education214</td>
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<tr>
<td>Insurance</td>
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</table>

Departmental Non-Discrimination Provisions or Policies:

The Department of Health and Human Services (DHHS) does not have a non-discrimination policy.

Recommendations:

• Amend non-discrimination statutes to include protection on the basis of age in housing, public accommodations, education, and insurance.

208 Id.
209 “Sexual orientation” is defined to include “gender identity or expression.” ME. REV. STAT. ANN. tit. 5 § 4553(9-C).
210 ME. REV. STAT. ANN. tit. 5 § 4572(1)(A).
211 ME. REV. STAT. ANN. tit. 5 § 4582.
212 ME. REV. STAT. ANN. tit. 5 § 4592(1).
213 ME. REV. STAT. ANN. tit. 5 § 4596.
214 ME. REV. STAT. ANN. tit. 5 § 4602(4).
• Amend current non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in insurance.

• Create a DHHS non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

• Create a non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.
Massachusetts

Advisory Body:

Composition: The Secretary of the Executive Office of Elder Affairs may appoint from time to time, such citizen advisory boards as he deems appropriate and necessary. There is no mandated size of these boards. “The secretary in making appointments to said boards shall insure that members so appointed shall represent all regions of the commonwealth, the segments of the population served by the department and statewide senior citizens groups; provided, however, that at least fifty per cent of the members of any board so appointed shall be fifty-five years of age or over.” 215

Scope of Authority: The citizen advisory boards “shall advise and assist the secretary on matters relating to the special needs of elderly persons and assist the secretary in making appraisals of needs of the elderly and the evaluations of programs.” 216

Administration:

Agency Responsible for Services: The Massachusetts Executive Office of Elder Affairs (EOEA) is a cabinet-level agency, subject to the authority of the Secretary of the Executive Office of Health and Human Services. The EOEAA is responsible for providing services to older people 217

Services Provided: The EOEAA oversees Massachusetts’s twenty-three Area Agencies on Aging (AAA). The AAAs provide services and community education programs for older people in Massachusetts. Services and programs include nutrition services, transportation services, National Family Caregiver Support, elder abuse prevention, in-home services for the frail elderly, disease prevention and health promotion, legal assistance, the Long-Term Care Ombudsman Program, community based services, and senior community services employment. 218

215 MASS. GEN. LAWS ch. 19A § 5.
216 Id.
Funding:

**Funding Sources:** Massachusetts funds its services for older people through Older Americans Act (OAA) and through state funds.

**Funding Formula:** Massachusetts’s OAA funds are distributed to the AAAs in accord with a formula that takes into account several differently weighted factors. The minimum funding for each AAA is equal to its federal fiscal year 1984 allocation.\(^{219}\) The funding formula is as follows:

- A district’s proportion of the state population age seventy-five and over is weighted at 1.00;
- A district’s proportion of the state population age sixty and over and living alone is weighted at 1.50;
- A district’s proportion of the state population age sixty and over who are low income is weighted at 4.75;
- A district’s proportion of the state population age sixty-five and over who are minorities is weighted at 1.50;
- A district’s proportion of the state population age sixty-five and over who live in rural areas is weighted at 1.00; and,
- A district’s proportion of the state population age sixty and over is weighted at 1.50.\(^{220}\)

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** Massachusetts does not provide a definition.

**Definition of Greatest Economic Need:** Massachusetts does not provide a definition.

**Definition of Greatest Social Need:** Massachusetts does not provide a definition.

**Definition of Minority:** Massachusetts does not provide a definition.

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\(^{219}\) Massachusetts State Plan on Aging at 82.

\(^{220}\) Massachusetts State Plan on Aging at 82-3.
Departmental Non-Discrimination Provisions or Policies:

The Executive Office of Older Affairs (EOEA) does not have a non-discrimination policy.

**Recommendations:**

- Amend non-discrimination statutes to include protection on the bases of age and sexual orientation in insurance.

- Amend current non-discrimination statutes to include protections on the basis of gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

- Create an EOEA non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

- Create a non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.

222 id.
Michigan

Advisory Body:

Composition: The Michigan Commission on Services to the Aging is comprised of fifteen commissioners, each of whom is appointed by the governor to a three-year term. By law, the appointees “shall reflect the broad geographical balance as well as the distribution of older persons in the state.” At least eight shall be age sixty or older, and no more than eight shall be from the same political party. 223

Scope of Authority: The Commission is directed to “serve as an effective and visible advocate for aging and older persons in all government decisions.” As part of this responsibility, the Commission is charged with advising the governor and legislature regarding the administration of, and changes to, federal and state programs serving older people.224

Administration:

Agency Responsible for Services: The Michigan Office of Services to the Aging (OSA), housed within the Department of Community Health, is responsible for the provision of services to older Michiganders.

Services Provided: The OSA oversees Michigan’s sixteen Area Agencies on Aging (AAA). The AAAs provide services and community education programs for older Michiganders. Services and programs include care management, caregiver services, adult daycare, health promotion, transportation assistance, elder abuse prevention, in-home services, legal assistance, the Long-Term Care Ombudsman Program, Medicare and Medicaid Assistance Program, congregate and home-delivered meals, and senior employment and community service, and volunteer programs. 225

223 MICH. COMP LAWS § 400.583(1).
224 MICH. COMP LAWS § 400.584.
Funding:

**Funding Sources:** Michigan funds its services through Older Americans Act (OAA) and through various state funds.

**Funding Formula:** Michigan’s OAA funds are distributed to the AAAs in accord with the following formula:

- Forty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Forty percent of funds are awarded based upon a district’s proportion of the state population sixty and over below 150% of the federal poverty level; and,
- Twenty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are members of a racial or ethnic minority.

**Funding-Related Definitions:**

**Definition of Vulnerable Adult:** Michigan does not provide a definition.

**Definition of Greatest Economic Need:** The Michigan State Plan on Aging defines ‘greatest economic need’ as “the need resulting from an income level at or below the poverty threshold established by the federal government each year. The poverty level for 2007 is defined as $10,210 for a single individual and $13,690 for a family of two.”

**Definition of Greatest Social Need:** The Michigan State Plan on Aging defines ‘greatest social need’ as “the need caused by non-economic factors such as physical and mental disabilities, language barriers, and cultural, social or geographical isolation that restricts an individual’s ability to perform normal daily tasks or threatens one’s capacity to live independently.”

**Definition of Minority Individuals:** Michigan does not provide a definition.
The Office of Services to the Aging (OSA) does not have a non-discrimination policy.

**Recommendations:**

- Expand non-discrimination statutes to include protection on the basis of age in the areas of credit, education, and insurance.

- Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

- Create an OSA non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

- Create an OSA non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

### Non-Discrimination in State Statutes:

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[^230]: MICH. COMP LAWS § 37.2202
[^231]: MICH. COMP LAWS § 37.2502
[^232]: MICH. COMP LAWS § 37.2302
[^233]: MICH. COMP LAWS § 37.2301(a)

[^230]: “Public accommodation” is defined broadly, and specifically includes educational institutions and health facilities. MICH. COMP LAWS § M.C.L.A. 37.2301(a).
Minnesota

Advisory Body:

**Composition:** The Minnesota Board on Aging is comprised of twenty-five members, each of whom is appointed by the governor for a four-year term. In making appointments, the governor “shall give consideration to individuals having a special interest in aging, and so far as practicable, shall include persons affiliated with agriculture, labor, industry, education, social work, health, housing, religion, recreation, and voluntary citizen groups, including senior citizens.” At least one member must be appointed from each of Minnesota’s eight congressional districts.234

**Scope of Authority:** The Board is empowered to “administer and to make policy relating to all aspects of the Older Americans Act”, as well as to advise government on issues concerning older Minnesotans. 235

Administration:

**Agency Responsible for Services:** The Minnesota Board of Aging (MBA), within the Executive Office of the Governor, is responsible for the provision of services to older Minnesotans.

**Services Provided:** The MBA oversees Minnesota’s seven Area Agencies on Aging (AAA).236 The AAAs provide services and community education programs for older Minnesotans. Services and programs include nutrition services, transportation services, caregiver support, elder abuse prevention, in-home services for the frail elderly, disease prevention and health promotion, legal assistance, the Long-Term Care Ombudsman Program, community based services, and senior community services employment.237

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234 MINN. STAT. § 256.975(1).
235 MINN. STAT. § 256.975(2).
236 “Partnering with Area Agencies on Aging and others, we administer and oversee the effective use of Older Americans Act and state funds to support older Minnesotans.” Minnesota Aging Website, available at http://www.mnaging.org/about/mission.htm.
237 Id.
Funding:

**Funding Sources:** Minnesota funds its services through Older Americans Act (OAA) and state funds.238

**Funding Formula:** Minnesota’s OAA funds are distributed to the AAAs in accord with the following formula:

- Fifty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Twenty percent of funds are awarded based upon a district’s proportion of the state population age sixty-five and over and who have a low income;
- Ten percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities;
- Ten percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who live in a rural area; and,
- 5 percent of funds are awarded based upon a district’s ratio of its population sixty and older to the state’s population density.239

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** Minnesota does not provide a definition.

**Definition of Greatest Economic Need:** Minnesota does not provide a definition.

**Definition of Greatest Social Need:** Minnesota does not provide a definition.

**Definition of Minority:** Minnesota does not provide a definition.

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Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
<th>Department</th>
<th>Age</th>
<th>Sexual Orientation</th>
<th>Gender Identity or Expression</th>
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</table>

Departmental Non-Discrimination Provisions or Policies:

The Minnesota Board of Aging (MBA) does not have a non-discrimination policy.

**Recommendations:**

- Expand non-discrimination statutes to include protection on the basis of age in the areas of housing, public accommodations, credit, and insurance.

- Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in insurance.

- Create an MBA non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

- Create an MBA non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

²⁴⁰ MINN. STAT. § 363A.08(2).
²⁴¹ MINN. STAT. § 363A.09(1).
²⁴² "Public accommodation" likely incorporates hospitals and nursing homes. MINN. STAT. § 363A.11(1).
²⁴³ MINN. STAT. § 363A.16(1).
²⁴⁴ MINN. STAT. § 363A.13(1).
²⁴⁵ See MINN. STAT. § 72A.20(36)(g).
Mississippi

Advisory Body:

There is no statewide advisory body on aging. However, each Area Agency on Agency (AAA) has its own advisory council. The councils are voluntary groups of citizens who provide information, guidance, advice, and support to the AAA to develop and implement services for older people. The membership of each of these councils is set by the individual Area Agencies on Aging and the size of the councils is not established by state law.246

Administration:

Agency Responsible for Services: The Mississippi Division of Aging and Adult Services (DAAS), housed within the Department of Human Services (DHS) is responsible for the provision of services to older Mississippians.

Services Provided: The DAAS oversees Mississippi’s ten Area Agencies on Aging.247 The Area Agencies on Aging contract with service providers to deliver home- and community- based services to older people. Services and programs include nutrition services, transportation services, telephone reassurance, National Family Caregiver Support, elder abuse prevention, in-home services for the frail elderly, disease prevention and health promotion, legal assistance, long term care ombudsman, community based services, and senior community services employment.248

Funding:

Funding Sources: Mississippi funds its services through OAA funds and through state and local funds.

Funding Formula: Mississippi’s OAA funds are distributed to the Area Agencies on Aging in accord with the following formula:

- Thirty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over living below the federal poverty line;

246 Mississippi State Plan on Aging 9 (unavailable online).
248 Mississippi State Plan on Aging at 11.
Thirty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities living below the poverty line; and,

Fifteen percent of funds are awarded based upon a district’s proportion of the state population age sixty and older living in rural areas.  

Funding-Related Definitions:

Definition of Vulnerable Elder or Population: Mississippi does not provide a definition.

Definition of Greatest Economic Need: Mississippi does not provide a definition.

Definition of Greatest Social Need: Mississippi does not provide a definition.

Definition of Minority: Mississippi does not provide a definition.

Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
<th>Mississippi Statutes Prohibit Discrimination on the Basis of</th>
<th>Age</th>
<th>Sexual Orientation</th>
<th>Gender Identity or Expression</th>
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<td>Credit</td>
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<td>Education</td>
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<tr>
<td>Insurance</td>
<td>X</td>
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</tbody>
</table>

There are no broad protections from discrimination in Mississippi. However, there are several limited protections: the state personnel system itself is prohibited from discriminating on the basis of age, as are the recipients of a number of state grants. Further, the Mississippi Code prohibits healthcare workers from refusing to provide services to a patient because of the patient’s sexual orientation. Additionally, hospice patients have a right to “receive appropriate and compassionate care” regardless of sexual orientation.

249 Id. at 63-64.
250 MISS. CODE ANN. § 25-9-149.
252 MISS. CODE ANN. § 41-107-5.
253 MISS. ADC 15-301-049.
Departmental Non-Discrimination Provisions or Policies:

The Department of Human Services (DHS) does not have a non-discrimination policy.

Recommendations:

• Amend non-discrimination statutes to include protections on the bases of age, sexual orientation, and gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

• Create a DHS non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

• Create a DHS non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.
Missouri

Advisory Body:

**Composition:** The Missouri State Board of Senior Services is comprised of seven members, each of whom is appointed by the governor to a four-year term. No more than four appointees may be from the same political party. Of the seven appointees, one must be a person working in the field of gerontology, one must be a physician with an expertise in geriatrics, one must be a person with expertise in nutrition, one must be a person with expertise in rehabilitation, and one must be a person with expertise in mental health. For the remaining two slots, the governor must give consideration to individuals having a special interest in gerontology or disability-related issues, including senior citizens. No member of the Board may serve for more than two terms.

**Scope of Authority:** The Board advises the Department of Health and Senior Services on rules and regulations effecting older Missourians, makes budget recommendations, and makes other recommendations to the Department.

**Administration:**

**Agency Responsible for Services:** The Missouri Division of Senior and Disability Services (DSDS), housed within the Department of Health and Senior Services, is responsible for the provision of services to older Missourians.

**Services Provided:** The DSDS oversees Missouri’s ten Area Agencies on Aging (AAA). The AAAs provide services and community education programs for older Missourians. Each AAA is required to provide the following categories of service: legal services, nutrition--both congregate and home-delivered meals, in-home services--which might include homemaker, chore, personal care, or respite care, disease prevention/health promotion, access--which includes transportation, information and assistance, advocacy, outreach, and case management at some AAAs. All AAAs also administer the following programs, although it is not required by law: ombudsman/elder rights and tax counseling. Each AAA may provide any combination of the following services, according to the identified needs within their service area: friendly visiting, housing assistance, gatekeeper, health education, minor home repair, letter writing, and recreation.

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254 State Board of Senior Services Website, available at [http://www.dhss.mo.gov/AboutDHSS/SeniorServicesBoard.htm](http://www.dhss.mo.gov/AboutDHSS/SeniorServicesBoard.htm).
255 MO. REV. STAT. § 660.062.
256 MO. REV. STAT. § 660.062.
Funding:

**Funding Sources:** Missouri funds its services through Older Americans Act (OAA) and state funds.

**Funding Formula:** Missouri provides a base allocation of $298,010 to each Area Agency on Aging. The remainder of Missouri’s OAA funds are distributed to the Area Agencies on Aging in accord with the following formula:

- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who have a low income;
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities with low incomes;
- 6.25 percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who reside in a rural area;
- 6.25 percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities;
- 6.25 percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who have limited English proficiency; and,
- 6.25 percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who have a limitation of their mobility.\(^{259}\)

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** Missouri does not provide a definition.

**Definition of Greatest Economic Need:** Missouri does not provide a definition.

**Definition of Greatest Social Need:** Missouri does not provide a definition, but in its funding formula it identifies people living in rural areas, people with limited English proficiency, people who have limitations on their mobility, and people who are racial or ethnic

minorities as those who have the greatest social need.\textsuperscript{260}

**Definition of Minority:** Missouri does not provide a definition.

### Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
<th>Missouri Statutes Prohibit Discrimination on the Basis of</th>
</tr>
</thead>
</table>
| Employment  
Age: \textsuperscript{261}  
Sexual Orientation:  
Gender Identity or Expression: |
| Housing  
Sexual Orientation:  
Gender Identity or Expression: |
| Public Accommodations\textsuperscript{262}  
Sexual Orientation:  
Gender Identity or Expression: |
| Credit  
Age: \textsuperscript{263}  
Sexual Orientation:  
Gender Identity or Expression: |
| Education  
Sexual Orientation:  
Gender Identity or Expression: |
| Insurance  
Sexual Orientation:  
Gender Identity or Expression: |

**Departmental Non-Discrimination Provisions or Policies:**

The Division of Senior and Disability Services (DSDS) does not have a non-discrimination policy.

### Recommendations:

- Expand non-discrimination statutes to include protection on the basis of age in the areas of housing, public accommodations, and credit.

- Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

- Create a DSDS non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

\textsuperscript{260} Id. at A-6.
\textsuperscript{261} For the purposes of employment discrimination, “age” is defined as “an age of forty or more years but less than seventy years.” MO. REV. STAT. § 213.055(1)(1).
\textsuperscript{262} “Public accommodation” is defined narrowly, and may or may not include educational institutions, hospitals, or nursing homes. MO. REV. STAT. § 213.010(15).
\textsuperscript{263} Id. MO. REV. STAT. § 408.550(1).
\textsuperscript{264} Missouri does prohibit age discrimination by the recipients of state English-as-a-second-language grants, MO. REV. STAT. § 161.223(3), but otherwise offers no protection from discrimination in education on the basis of age. 265 Insurance companies are prohibited from asking questions designed to determine the sexual orientation of the applicant. MO. CODE REGS. ANN. tit. 20, § 400-2.120(2)(a).
• Create a DSDS non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.
Montana

Advisory Body:

Composition: There are eleven members of the Advisory Council on Aging, each of whom is appointed by the governor to a three-year term. A majority of the Council’s members must be age sixty or older. 266

Scope of Authority: The Council advises the governor and the Department of Health and Human Services on aging and long-term care issues.

Administration:

Agency Responsible for Services: The Montana Office on Aging (MOA), housed within the Department of Public Health and Human Services, is responsible for the provision of services to older Montanans. 267

Services Provided: The MOA oversees the state’s ten Area Agencies on Aging. The Area Agencies on Aging provide services and community education programs for older Montanans. Services and programs include nutrition, adult day care, congregate and home-delivered meals, health promotion and screening, homemaker and home chore services, legal assistance, nutrition education, ombudsman, personal care, respite care, senior centers, skilled nursing, transportation, and caregiver support. 268

Funding:

Funding Sources: Montana funds its services primarily through OAA funds. In addition, Montana utilizes state funds and funds from the National Family Caregiver Support program. 269

Funding Formula: Montana provides a base allotment of $6,630 to each Area Agency on Aging for the provision of services. Montana provides an additional $12,000 base allotment for administration to the seven multi-county/reservation service areas and $1,200 to the single county Area Agencies on Aging. In addition to this amount, Montana provides a base of funds to rural areas to recognize the costs of providing services. 270 The remainder of Montana’s OAA funds are distributed to the Area Agencies on Aging in accord with the

266 MONT. CODE ANN. § 2-15-2206.
268 Id.
269 Id.
270 Id.
following formula:

- Seventy percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Twenty percent of funds are awarded based upon a district’s proportion of the state’s population who are sixty and over who are below 100% of the poverty level; and,
- Ten percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities.271

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** Montana does not provide a definition.

**Definition of Greatest Economic Need:** Montana does not provide a definition.

**Definition of Greatest Social Need:** Montana does not provide a definition.

**Definition of Minority:** Montana does not provide a definition.

**Non-Discrimination in State Statutes:**

<table>
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<tr>
<th>Montana Statutes Prohibit Discrimination on the Basis of</th>
<th>Age</th>
<th>Sexual Orientation</th>
<th>Gender Identity or Expression</th>
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</tbody>
</table>

**Departmental Non-Discrimination Provisions or Policies:**

The MOA does not have a non-discrimination policy.

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271 Id.
272 MONT. CODE ANN, § 49-2-303.
273 MONT. CODE ANN, § 49-2-305.
274 MONT. CODE ANN, § 49-2-304. “Public accommodation” means a place that caters or offers its services, goods, or facilities to the general public subject only to the conditions and limitations established by law and applicable to all persons. It includes without limitation a public inn, restaurant, eating house, hotel, roadhouse, place where food or alcoholic beverages or malt liquors are sold for consumption, motel, soda fountain, soft drink parlor, tavern, nightclub, trailer park, resort, campground, barbering, cosmetology, electrology, esthetics, or manicuring salon or shop, bathroom, resthouse, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company, or hospital and all other public amusement and business establishments. MONT. CODE ANN, § 49-2-101.
275 MONT. CODE ANN, § 49-2-308.
Recommendations:

• Expand non-discrimination statutes to include protection on the basis of age in insurance.

• Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

• Create an MOA non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

• Create an MOA non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.
Nebraska

Advisory Body:

Composition: The Division of Medicaid and Long-Term Care Advisory Committee on Aging consists of twelve members, one member from each of the ten planning-and-service areas as designated in the Nebraska Community Aging Services Act and the remaining four members from the state at large. The members are appointed by the governor to serve four-year terms. 277

Scope of Authority: The Committee is charged with advising the Division of Medicaid and Long-Term Care of the Department of Health and Human Services regarding:

1. The collection of facts and statistics and special studies of conditions and problems pertaining to the employment, health, financial status, recreation, social adjustment, or other conditions and problems pertaining to the general welfare of the aging of the state;

2. Recommendations to state and local agencies serving the aging for purposes of coordinating such agencies’ activities, and reports from the various state agencies and institutions on matters within the jurisdiction of the committee;

3. The latest developments of research, studies, and programs being conducted throughout the nation on the problems and needs of the aging;

4. The mutual exchange of ideas and information on the aging between federal, state, and local governmental agencies, private organizations, and individuals; and

5. Cooperation with agencies, federal, state, and local or private organizations, in administering and supervising demonstration programs of services for aging designed to foster continued participation of older people in family and community life and to prevent insofar as possible the onset of dependency and the need for long-term institutional care.

277 NEB. REV. STAT. §68-1101.
The committee has the power to create special committees to undertake studies. Special committees may include non-committee members who are qualified in any field of activity related to the general welfare of the aging in the membership of such committees.278

Administration:

Agency Responsible for Services: Nebraska Aging Services (NAS), an agency housed within the Department of Health and Human Services, is responsible for the provision of services to older Nebraskans.279

Services Provided: NAS oversees Nebraska’s eight Area Agencies on Aging (AAA). The AAAs provide services and community education programs for older Nebraskans. Services and programs include nutrition services, transportation services, National Family Caregiver Support, elder abuse prevention, in-home services for the frail elderly, disease prevention and health promotion, legal assistance, the Long-Term Care Ombudsman Program, and community based services.280

Funding:

Funding Sources: Nebraska funds its services through Older Americans Act (OAA) funds and various other state and federal funds, including the Money Follows the Person grant, the Alzheimer’s Disease Demonstration grant, and the Aging and Disability Resource Center grant.281

Funding Formula: Nebraska provides each AAA with a base allotment of $263,055. The remainder of OAA funds up to $4,975, 038 are distributed to the AAAs in accord with the following formula:

- Sixty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Twenty percent of funds are awarded based upon a district’s proportion of the state population sixty and over below 100% of the federal poverty level; and,
- Twenty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over and who are members of a racial or ethnic minority.282

278 NEB. REV. STAT. §68-1104.
280 Id.
281 Id.
282 Id.
Remaining funds that exceed $4,975,038 are distributed to the AAAs in accord with the following formula:

- Fifty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population sixty and over below 100% of the poverty level; and,
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age seventy-five and over. 283

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** The Nebraska State Plan on Aging addresses the question of who a vulnerable adult is in its definition of ‘target population.’ The Plan defines ‘target population’ as “Those most frail and vulnerable individuals aged 60 and older for whom one or more of the following is true: reside in rural areas; have the greatest economic or social needs; are low-income minorities; have severe disabilities; have limited English-speaking ability; or have Alzheimer’s Disease or a related disorder or are the caregivers of such individuals.”284

**Definition of Greatest Economic Need:** The Nebraska State Plan on Aging defines ‘greatest economic need as “Those elderly participants whose needs are the result of income levels at or below the poverty threshold established by the U.S. Bureau of the Census.”285

**Definition of Greatest Social Need:** The Nebraska State Plan on Aging defines ‘greatest social need’ as “Those elderly participants whose needs are associated with non-economic factors, including physical and mental disabilities, language barriers, cultural or social isolation caused by racial or ethnic status, which restrict an individual’s ability to perform normal tasks or threatens one’s capacity to live independently.”286

**Definition of Minority:** Nebraska does not provide a definition.

284 Id. at 84.
285 Id. at 80.
286 Id. at 81.
Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
<th>Nebraska Statutes Prohibit Discrimination on the Basis of</th>
<th>Age</th>
<th>Sexual Orientation</th>
<th>Gender Identity or Expression</th>
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<td>Insurance</td>
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</table>

Departmental Non-Discrimination Provisions or Policies:

The Nebraska Administrative Code provides that “No person may be subjected to discrimination in any [Department of Health and Human Services (DHHS)] program or activity based on his/her race, color, sex, age, national origin, religious creed, political beliefs, or handicap.”**289**

**Recommendations:**

• Expand non-discrimination statutes to include protection on the bases of age, sexual orientation, and gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

• Amend the Nebraska Administrative Code to prohibit the DHHS from discriminating on the bases of sexual orientation and gender identity or expression in any of its activities or programs.

• Create a DHHS non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

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287 NEB.REV.STAT. § 48-1104.
288 NEB.REV.STAT. § 20-318.
289 NEB. ADMIN. CODE tit. 482, Ch. 7.
Nevada

Advisory Body:

**Composition:** The Nevada Commission on Aging is comprised of eleven voting members and four non-voting members. Each of the voting members is appointed by the governor. Of these voting members, two must be members of the governing body of a county, two must be members of the governing body of a city, and the other seven will be chosen from the state at-large and must have experience with or an interest in aging and aging-related services. At least six of the voting members must be age fifty-five or older. The term of office for voting members is two years and no member may serve more than two terms.\(^{290}\)

The Director of the Department of Health and Human Services, the Administrator of the Aging Services Division, one member of the Assembly, and one member of the House serve as the Commission’s non-voting members.

**Scope of Authority:** “The Commission shall: (a) Determine and evaluate the needs of the older people of this state; (b) seek ways to avoid unnecessary duplication of services for older persons by public and private organizations in Nevada; (c) establish priorities for the work of the Division according to the most pressing needs of older persons as determined by the Commission; and, (d) promote programs that provide community-based services necessary to enable a frail elderly person, to the fullest extent possible, to remain in his home and be an integral part of his family and community.”\(^{291}\)

“The Commission may: (a) establish priorities for programs funded under the Older Americans Act of 1965 (42 U.S.C. §§ 3001 et seq.); (b) review and approve the State Plan for Providing Services to Meet the Needs of Older Persons; (c) gather and disseminate information in the field of aging; (d) conduct hearings, conferences and special studies on the problems of older persons and on programs which serve them; (e) evaluate existing programs for older persons and recommend needed changes in those programs and propose new programs which would more effectively and economically serve the needs of older persons; (f) evaluate any proposed legislation which would affect older persons; (g) recommend to the Legislature any appropriate legislation; and, (h) coordinate and assist the efforts of public and private organizations which serve the needs of older persons, especially in the areas of education, employment, health, housing, welfare, and recreation.”\(^{292}\)
Administration:

**Agency Responsible for Services:** The Division for Aging Services (“DAS”) of the Nevada Department of Health and Human Services is responsible for the provision of services to older Nevadans.

**Services Provided:** There are no Area Agencies on Aging in Nevada. The DAS provides services directly and indirectly through contractors. Services and programs provided include: information and advocacy for elders, assisted living waivers, the Community Home-Based Initiatives Program, the Community Options Program for the Elderly, prescription drug assistance, disability services, elder protective services, the Long-Term Care Ombudsman Program, the Homemaker Program, the Senior Ride Program, assistance with the cost of health insurance, property tax reductions and rent rebates for elders, and waiver for the elderly in adult residential care. 293

Funding:

**Funding Sources:** Nevada funds its services through OAA funds and through various other state and federal funds, including the Alzheimer’s Disease Demonstration grant, the Senior Community Service Employment Program fund, the Nevada state transportation fund, and Nevada’s 1998 Master Tobacco Settlement Fund. 294

**Funding Formula:** Nevada distributes its funds to counties using a formula that is undefined in the State Plan on Aging. 295

Funding-Related Definitions:

**Definition of Vulnerable Elder or Population:** Nevada does not provide a definition.

**Definition of Greatest Economic Need:** Nevada does not provide a definition.

**Definition of Greatest Social Need:** Nevada does not provide a definition.

**Definition of Minority:** Nevada does not provide a definition.

295 Id.
Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
<th>Nevada Statutes Prohibit Discrimination on the Basis of</th>
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<tbody>
<tr>
<td>Employment 296</td>
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<td>Housing 297</td>
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<tr>
<td>Public Accommodations 298</td>
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<tr>
<td>Credit</td>
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<tr>
<td>Education 299</td>
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<tr>
<td>Insurance</td>
</tr>
</tbody>
</table>

Departmental Non-Discrimination Provisions or Policies:

The Division for Aging Services (DAS) prohibits discrimination in DAS programs and services on the basis of age.

Recommendations:

• Expand non-discrimination statutes to include protection on the bases of age and sexual orientation in credit and insurance.

• Amend non-discrimination statutes to prohibit discrimination on the basis of gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

• Amend the DAS’s policy on non-discrimination to prohibit discrimination on the bases of sexual orientation and gender identity or expression in programs and services administered by, or contracted through, the DAS.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

298 Nev. Rev. Stat. Ann. § 233.010. “Place of public accommodation” means: (a) Any inn, hotel, motel or other establishment which provides lodging to transient guests, except an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of the establishment as his residence; (b) Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, casino or any other facility where food or spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment; (c) Any gasoline station; (d) Any motion picture house, theater, concert hall, sports arena or other place of exhibition or entertainment; (e) Any auditorium, convention center, lecture hall, stadium or other place of public gathering; (f) Any bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment; (g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, office of an accountant or lawyer, pharmacy, insurance office, office of a provider of health care, hospital or other service establishment; (h) Any terminal, depot or other station used for specified public transportation; (i) Any museum, binary, gallery or other place of public display or collection; (j) Any park, zoo, amusement park or other place of recreation; (k) Any nursery, private school or university or other place of education; (l) Any day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service establishment; (m) Any gymnasmum, health spa, bowling alley, golf course or other place of exercise or recreation; (n) Any other establishment or place to which the public is invited or which is intended for public use. Nev. Rev. Stat. Ann. § 615.050.
299 Included in the definition of public accommodations.
New Hampshire

Advisory Body:

Composition: The New Hampshire State Committee on Aging is comprised of eighteen members. The Committee includes the chairman of the joint legislative committee on elderly affairs, a state representative appointed by the speaker of the house, a senator appointed by the president of the senate, and fifteen members appointed by the governor and confirmed by the Executive Council. Of these fifteen members, at least eight members must be age sixty or older and each of New Hampshire’s counties must have at least one representative.301

Scope of Authority: The Committee advises the Commissioner of Health and Human Services on matters related to aging. In so doing, the Committee must identify the needs of older people in New Hampshire and represent older people to administrators and policymakers. The Committee also facilitates participation by consumers in the program planning process and collaborates with other advocacy groups on senior issues.302

Administration:

Agency Responsible for Services: The New Hampshire Bureau of Elderly and Adult Services (BEAS), within the Department of Health and Human Services, is responsible for the provision of services to older New Hampshire residents.303

Services Provided: BEAS does not utilize Area Agencies on Aging for the distribution of services. Instead, BEAS exists as a centralized office with twelve district offices that coordinate services to New Hampshire communities. BEAS contracts with private organizations to provide many services, including: congregate and home-delivered meals, adult day programs, transportation, health promotion, family caregiver support, communication access, dental care, energy assistance, health screening services, home health services, homemaker services, legal services, nursing services, respite care, the Long-Term Care Ombudsman Program, congregate housing, and assisted living and residential care facilities.304

302 Id.
304 Id.
Funding:

Funding Sources: New Hampshire funds its services through Older Americans Act (OAA) and state general funds.305

Funding Formula: BEAS does not use a funding formula for the allocation of its resources.

Funding-Related Definitions:

Definition of Vulnerable Elder or Population: New Hampshire does not provide a definition.

Definition of Greatest Economic Need: New Hampshire does not provide a definition.

Definition of Greatest Social Need: New Hampshire does not provide a definition.

Definition of Minority: New Hampshire does not provide a definition.

Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
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<tr>
<td>Housing907</td>
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<td>Public Accommodations908</td>
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<td>Insurance</td>
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Departmental Non-Discrimination Provisions or Policies:

Department of Health and Human Services’ (DHHS) policy is to forbid discrimination against individuals because of their race, creed, color, sex, age, political affiliation or beliefs, religion, national origin, handicap, or disability. DHHS does not tolerate discrimination on these bases in accessing, accepting, or providing services in any Department program or activity.309

307 N.H. REV. STAT. ANN. § 354-A:16. “Place of public accommodation” includes any inn, tavern or hotel, whether conducted for entertainment, the housing or lodging of transient guests, or for the benefit, use or accommodations of those seeking health, recreation or rest, any restaurant, eating house, public conveyance on land or water, bathhouse, barbershop, theater, golf course, sports arena, health care provider, and music or other public hall, store or other establishment which caters or offers its services or facilities or goods to the general public. “Public accommodation” shall not include any institution or club which is in its nature distinctly private. N.H. REV. STAT. ANN. § 354-A:2.
Recommendations:

• Expand non-discrimination statutes to include protection on the bases of age and sexual orientation in credit, education, and insurance.

• Amend non-discrimination statutes to prohibit discrimination on the basis of gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

• Amend the DHHS’s policy on non-discrimination to prohibit discrimination on the bases of sexual orientation and gender identity or expression in programs and services administered by, or contracted through, the DHHS.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.
New Jersey

Advisory Body:

Composition: There are nineteen members of the New Jersey Commission on Aging. Four of the members are ex-officio members, and the remaining fifteen members are appointed by the governor to three-year terms. These fifteen members are selected from among the citizens of New Jersey who have demonstrated interest in the problems of aging and who are generally representative of the varied population of the state. The chairman, vice-chairman, and secretary of the Commission must be elected from the governor’s appointees, and they serve two-year terms. Of the ex-officio members, one is appointed by the president of the senate, one by the speaker of the assembly, one is chosen by and from the executive directors of the Area Agencies on Aging, and one is the Assistant Commissioner of the Division of Aging and Community Services.³¹⁰

Scope of Authority: “The commission shall: (1) Furnish consultation and advice to the Division on Aging on programs designed to carry out the division’s mandate; (2) Provide leadership in the field of aging; (3) Make recommendations to the governor and Legislature regarding new legislation needed in areas related to aging; and, (4) Maintain liaison with other commissions and groups whose activities relate to the broad field of aging.”³¹¹

Administration:

Agency Responsible for Services: The Division of Aging and Community Services (DACS) of the New Jersey Department of Health and Senior Services is responsible for the provision of services to older people. The DACS has seven offices, the Office of Administration and Finance, the Office of Area Agencies on Aging (AAA) Administration, the Office of Community Choice Options, the Office of Community Education and Wellness, the Office of Community Programs, the Office of the Ombudsman for the Institutionalized Elderly, and the Office of the Public Guardian and Elder Rights.³¹²

Services Provided: The DACS oversees New Jersey’s twenty-one AAAs. The AAAs provide services and community education programs for older people. Services and programs include home delivered and congregate meals, adult day health services, long term care, protective services, disease prevention, caregiver assistance, mental

³¹¹ N.J. STAT. ANN. §26:1A-113.1.
health counseling, physical fitness, socialization/recreation, ombudsman, housekeeping, hospice care, and respite care.\textsuperscript{313}

**Funding:**

**Funding Sources:** New Jersey funds its services for older people through OAA funds and various other sources including the Robert Wood Johnson Foundation Grant, the AOA grant, the CMS grant, the Social Service Block grant, New Jersey’s Casino revenue funds, and the Nursing Facilities Transition grant.\textsuperscript{314}

**Funding Formula:** In minimum funded counties, the minimum allocation is defined as the minimum amount of funding needed to ensure that each planning and service area has a functioning AAA. For AAAs not in minimum funded counties, the formula is $Z^*Q$ where $Z = \text{NJ’s allocation minus the sum of minimum-funded counties}$ and $Q = \text{the AAA funding index } S+M+P$:

- $S = .65(\text{the percentage of state population age sixty and over})$
- $M = .15(\text{percentage of minority population age sixty and over})$
- $P = .20(\text{percentage of low-income population age sixty and over})$\textsuperscript{315}

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** The New Jersey State Plan on Aging defines vulnerable adults as “Persons aged 60+ exposed to unfavorable environmental conditions, as well as persons aged 60+ with a lack of social resources, which may include the following: (a) Income levels between 100-200% of the poverty level; (b) Language barriers; (c) Isolation; (d) No informal support system; or, (e) Not previously within service system.”\textsuperscript{316}

**Definition of Greatest Economic Need:** New Jersey does not provide a definition.

**Definition of Greatest Social Need:** New Jersey does not provide a definition.

**Definition of Minority:** New Jersey does not provide a definition.
Non-Discrimination in State Statutes:

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<tr>
<td>Housing(^{318})</td>
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<td>✔️</td>
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<tr>
<td>Public Accommodations(^{319})</td>
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</table>

Departmental Non-Discrimination Provisions or Policies:

The Department of Health and Senior Services (DHSS) does not have a non-discrimination policy.

**Recommendations:**

- Expand non-discrimination statutes to include protection on the basis of age in housing, public accommodations, credit, education, and insurance.

- Amend non-discrimination statutes to prohibit discrimination on the bases of sexual orientation and gender identity or expression in insurance.

- Create a DHHS non-discrimination policy that prohibits DHHS and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

\(^{317}\) N.J. STAT. ANN. § 10:5-12.

\(^{318}\) Id.

\(^{319}\) “Public accommodation” includes, but is not limited to: any tavern, roadhouse, hotel, motel, trailer camp, summer camp, day camp, or resort camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation or rest; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives; sods water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage, any public conveyance operated on land or water, or in the air; any stations and terminals thereof; any bathhouse, boardwalk, or seaside accommodation; any auditorium, meeting place, or hall; any theatre, motion-picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or other place of amusement; any comfort station; any dispensary, clinic or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the State Board of Education, or the Commissioner of Education of the State of New Jersey, N.J. STAT. ANN. § 10:5-5.

\(^{320}\) N.J. STAT. ANN. § 10:5-12.

\(^{321}\) Protection from discrimination in education is covered under public accommodations non-discrimination statute. Id.
New Mexico

Advisory Body:

Composition: The New Mexico Policy Advisory Committee is comprised of eleven members, each of whom is appointed by the governor to a four-year term. There are no other appointment rules for the Committee.\textsuperscript{322}

Scope of Authority: The Commission serves to advise the Secretary of the Aging and Long-Term Services Department on matters related to aging and aging policy.

Administration:

Agency Responsible for Services: The Department of Aging and Long-Term Services (DALTS) is responsible for the provision of services to older New Mexicans. The Department is run by the Secretary and consists of six divisions: the Division of Elderly and Disability Services, the Division of Adult Protective Services, the Division of Administrative Services, the Aging Network, the Division of Consumer and Elder Rights, and the Indian Affairs Office.\textsuperscript{323}

Services Provided: DALTS oversees New Mexico’s six Area Agencies on Aging (AAA). The AAAs provide services directly and through contractors. Services and programs include: information and assistance, outreach, transportation and assisted transportation, housekeeping and homemaker services, personal care, home visitation, adult daycare, recreation, home repair, shopping assistance, senior center activities, congregate and home-delivered meals, health screening, fitness services, and caregiver support.\textsuperscript{324}

Funding:

Funding Sources: New Mexico funds its services primarily through OAA funds. New Mexico also uses funds from the Alzheimer’s Disease Demonstration Grant, National Family Caregiver Support Program funds, the Robert Wood Johnson Foundation grant, the National Governors’ Association grant, the Centers for Medicare & Medicaid Services Reach Choice Systems Change grant, and state and local funds.\textsuperscript{325}

\textsuperscript{322} N.M. Stat. Ann. § 28-4-9
\textsuperscript{324} Id.
Funding Formula: New Mexico provides that each AAA is guaranteed at least the same amount of funding that it received in the previous year. Of the remaining funds, ten-percent are distributed equally between the six AAAs. The remaining funds are distributed according to the following formula:

- One-third of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- One-third of funds are awarded based upon a district’s proportion of the state’s population who are age sixty and over and who are minorities; and,
- One-third of funds are awarded based upon a district’s proportion of the state population age sixty and over and who are living on a low income.\(^{326}\)

Funding-Related Definitions:

Definition of Vulnerable Elder or Population: New Mexico does not provide a definition.

Definition of Greatest Economic Need: New Mexico does not provide a definition.

Definition of Greatest Social Need: New Mexico does not provide a definition.

Definition of Minority: New Mexico does not provide a definition.

Non-Discrimination in State Statutes:

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\(^{327}\) N.M. STAT. ANN. § 28-1-7.

\(^{328}\) Id.

\(^{329}\) Id. "Public accommodation" means any establishment that provides or offers its services, facilities, accommodations or goods to the public, but does not include a bona fide private club or other place or establishment that is by its nature and use distinctly private. N.M. STAT. ANN. § 28-1-2.

\(^{330}\) Id.

\(^{331}\) N.M CODE R. § 13.10.13.22 .
**Departmental Non-Discrimination Provisions or Policies:**

Contractors must sign a contract that stipulates that “the Contractor agrees to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Contractor assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Contractor is found not to be in compliance with these requirements during the life of this Agreement, Contractor agrees to take appropriate steps to correct these deficiencies.”

**Recommendations:**

- Expand non-discrimination statutes to include protection on the basis of age in housing, public accommodations, credit, education, and insurance.

- Amend non-discrimination statutes to prohibit discrimination on the basis of sexual orientation in education.

- Amend non-discrimination statutes to prohibit discrimination on the basis of gender identity or expression in education and insurance.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

New York

Advisory Body:

Composition: There is an advisory committee within New York’s Office for the Aging. The committee has no mandated size but it may not exceed twenty-five members. Each of the members is appointed by the governor to a three-year term. At least sixty percent of appointees to the committee must be age sixty or older. In making appointments, the governor is required to give “consideration to representation from the major regions of the state.” The members of the committee do not receive a salary. The council is led by a chairperson who is selected by the governor.333

Scope of Authority: The committee serves to inform and advise government decision makers on matters concerning aging and aging policy.

Administration:

Agency Responsible for Services: The New York State Office for the Aging (NYOA) is responsible for the provision of services to older New Yorkers. 334

Services Provided: The NYOA oversees New York’s fifty-nine Area Agencies on Aging (AAA). The AAAs provide services and community education programs for older New Yorkers. Services and programs include: long-term care, caregiver support, in-home services, home care, hospice services, respite services, senior centers, the Long-Term Care Ombudsman Program, and adult day services (including congregate and home delivered meals). 335

Funding:

Funding Sources: New York funds its services primarily through Older Americans Act (OAA) funds. In addition to these funds, New York also utilizes funds from Social Services block grants, Community Services block grants, Lifespan Respite Care Program funds, and the Low Income Home Energy Assistance Program funds.

Funding Formula: New York provides minimum base allocations to each AAA in recognition of the special needs and costs associated with the rural and geographically isolated elderly. Each PSA receives

333 N.Y. ELDER LAW § 210
334 State Plan on Aging Executive Summary, available at www.aging.ny.gov/NYSOFA/4YearPlan/FourYearPlan-ExecutiveSummary.doc.
336 Funding Priorities, available at http://www.aging.ny.gov/NYSOFA/4YearPlan/FundingPriorities111Congress.cfm
an identical base sub-grant of Title III-B funds, with additional funds for AAAs covering a full county or more than one county. New York distributes the remainder of its OAA funds in accord with the following formula:

- Forty-eight percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- 14.5 percent of funds are awarded based upon a district’s proportion of the state’s functionally impaired population age sixty and over;
- 7 percent of funds are awarded based upon a district’s proportion of the state minority population age sixty and over who are at or below 150% of the federal poverty level; and,
- 0.5 percent of funds are awarded based upon a district’s proportion of the state minority population age sixty and older.\footnote{337 New York State Plan on Aging 118-19, available at http://www.aging.ny.gov/NYSOFA/4YearPlan/4YearPlan-FinalApp-endix8-20-07.pdf.}

\textbf{Funding-Related Definitions:}

\textbf{Definition of Vulnerable Elder or Population:} New York defines ‘vulnerable adult’s as people with “limited English-language skills, rural residence, older persons with disabilities, and older persons who are institutionalized.”\footnote{338 Id. at 111.}

\textbf{Definition of Greatest Economic Need:} New York does not provide a definition.

\textbf{Definition of Greatest Social Need:} New York does not provide a definition.

\textbf{Definition of Minority:} New York defers to the Office of Management and Budget’s definition of minority. \footnote{339 Id.}


\footnotesize{338 Id. at 111.}

\footnotesize{339 Id.}
Departmental Non-Discrimination Provisions or Policies:

Parties contracting with the Department must assure equal access for participation, services, activities, and informational sessions without regard to sexual orientation.

Recommendations:

- Expand non-discrimination statutes to include protection on the basis of age in credit and insurance.

- Amend non-discrimination statutes to prohibit discrimination on the basis of sexual orientation in insurance.

- Amend non-discrimination statutes to prohibit discrimination on the basis of gender identity or expression in the areas of employment, housing, public accommodations, credit, education, and insurance.

- Create an New York State Office for the Aging (NYOA) non-discrimination policy that prohibits the NYOA and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

**Non-Discrimination in State Statutes:**

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[^340]: 340 N.Y. EXEC. LAW § 291.
[^341]: 341 N.Y. EXEC. LAW § 291.
[^342]: 342 N.Y. EXEC. LAW § 291. The definition of 'public accommodation' includes, among many other things, clinics and hospitals. The term specifically does not include "public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses, and all educational institutions under the supervision of the regents of the state of New York; any such public library, kindergarten, primary and secondary school, academy, college, university, professional school, extension course or other education facility, supported in whole or in part by public funds or by contributions solicited from the general public; or any institution, club or place of accommodation which proves that it is in its nature distinctly private." NY CLS Exec § 292
[^343]: 343 N.Y. EXEC. LAW § 296.
**North Carolina**

**Advisory Body:**

**Composition:** The Governor’s Advisory Council on Aging of the Department of Health and Human Services consists of thirty-three members. Twenty-nine members are appointed by the governor, two members by the president pro tempore of the senate, and two members by the speaker of the house of representatives. “The composition of the Council is as follows: one representative of the Department of Administration; one representative of the Department of Cultural Resources; one representative of the Employment Security Commission; one representative of the Teachers’ and State Employees’ Retirement System; one representative of the Commissioner of Labor; one representative of the Department of Public Instruction; one representative of the Department of Environment and Natural Resources; one representative of the Department of Insurance; one representative of the Department of Crime Control and Public Safety; one representative of the Department of Community Colleges; one representative of the School of Public Health of The University of North Carolina; one representative of the School of Social Work of The University of North Carolina; one representative of the Agricultural Extension Service of North Carolina State University; one representative of the collective body of the Medical Society of North Carolina; and nineteen members at large.”

“The at large members shall be citizens who are knowledgeable about services supported through the Older Americans Act of 1965, as amended, and shall include persons with greatest economic or social need, minority older persons, and participants in programs under the Older Americans Act of 1965, as amended.” All fifteen of the governor’s fifteen at large appointees must be age sixty or older. The four remaining members at-large, appointed by the Speaker of the House and the President Pro Tempore of the Senate “shall be broadly representative of the major private agencies and organizations in the State who are experienced in or have demonstrated particular interest in the special concerns of older persons. At least one of each of the at-large appointments of the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall be persons 60 years of age or older.” The at-large members are appointed to four-year terms.

345 NC STAT. ANN. § 143B-181
346 Id.
Scope of Authority: The Advisory Council on Aging has the following functions and duties: “(1) To make recommendations to the Governor and the Secretary of Health and Human Services aimed at improving human services to the elderly; (2) To study ways and means of promoting public understanding of the problems of the aging, to consider the need for new State programs in the field of aging, and to make recommendations to and advise the Governor and the Secretary on these matters; (3) To advise the Department of Health and Human Services in the preparation of a plan describing the quality, extent and scope of services being provided, or to be provided, to elderly persons in North Carolina; (4) To study the programs of all State agencies which provide services for elderly persons and to advise the Governor and the Secretary of Health and Human Services on the coordination of programs to prevent duplication and overlapping of such services; and, (5) To advise the Governor and the Secretary of Health and Human Services upon any matter which the Governor and the Secretary may refer to it. The Commission serves “to inform and advise decision makers and to advocate for the quality of life of all seniors.”

Administration:

Agency Responsible for Services: The Division of Aging and Adult Services (DAAS), a subdivision of the Department of Health and Human Services, is responsible for the provision of services to older North Carolinians.\(^ {347} \)

Services Provided: The DAAS oversees North Carolina’s seventeen Area Agencies on Aging. The Area Agencies on Aging provide services and community education programs for older North Carolinians directly and through contractors. Services and programs include adult day care, adult day health care, congregate meals and home-delivered meals, health screening, home health care, housing and home improvement, respite care, senior centers, transportation, and the Long-Term Care Ombudsman Program.\(^ {348} \)

Funding:

Funding Sources: North Carolina funds services primarily through Older American Act funds, but also utilizes various state and local sources.\(^ {349} \)

348 Id.
349 Id.
Our Maturing Movement

**Funding Formula:** North Carolina’s intrastate funding formula is not readily available, but an accounting of last year’s expenditures is available in the State Plan on Aging in Appendix E.\(^{350}\)

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** North Carolina does not provide a definition.

**Definition of Greatest Economic Need:** North Carolina does not provide a definition.

**Definition of Greatest Social Need:** North Carolina does not provide a definition.

**Definition of Minority:** North Carolina does not provide a definition.

**Non-Discrimination in State Statutes:**

<table>
<thead>
<tr>
<th></th>
<th>North Carolina Statutes Prohibit Discrimination on the Basis of</th>
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</thead>
<tbody>
<tr>
<td>Employment(^{351})</td>
<td>Age X  Sexual Orientation X  Gender Identity or Expression X</td>
</tr>
<tr>
<td>Housing</td>
<td>X X X X X</td>
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<td>Public Accommodations</td>
<td>X X X X X</td>
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<td>Credit</td>
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<td>Education</td>
<td>X X X X X</td>
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<tr>
<td>Insurance</td>
<td>X X X X X</td>
</tr>
</tbody>
</table>

**Departmental Non-Discrimination Provisions or Policies:**

The North Carolina Department of Health and Human Services non-discrimination policy includes age as a protected category, but not sexual orientation or gender identity or expression.

\(^{350}\) Id. at 117
\(^{351}\) N.C. GEN. STAT. § 143-422.2
Recommendations:

• Expand non-discrimination statutes to include protection on the basis of age in housing, public accommodations, credit, education and insurance.

• Amend non-discrimination statutes to prohibit discrimination on the bases of sexual orientation and gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

• Create a DHHS non-discrimination policy that prohibits the DHHS and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.
North Dakota

Advisory Body:

**Composition:** The Governor’s Committee on Aging is the designated advisory committee for the Aging Services Division. There is no statutory requirement for the number of members of the committee; there are currently fourteen members. The governor appoints each member to a three-year term.\(^{353}\)

**Scope of Authority:** The Committee serves to advise the governor and the Department of Human Services on issues related to aging and aging policy.

Administration:

**Agency Responsible for Services:** The Aging Services Division (ASD), with the Department of Human Services (DHS), is responsible for the provision of services to older North Dakotans.\(^ {354}\)

**Services Provided:** The ASD provides services to older North Dakotans directly and indirectly through contractors. North Dakota is designated as a single planning and service area; therefore, the state does not have any Area Agencies on Aging. Services include employment and training services, health and wellness services, disease prevention, Medicare information and assistance, education, senior centers, heating and cooling assistance, congregate and home-delivered meals, home care, long-term care services, and the Long-Term Care Ombudsman program.\(^ {355}\)

Funding:

**Funding Sources:** North Dakota funds its services primarily through Older Americans Act (OAA) funds but also utilizes funds from the Alzheimer’s Disease Demonstration Grant, the Centers for Medicare and Medicaid Real Choice Rebalancing Grant, and state and local funds.\(^ {356}\)

**Funding Formula:** Because the state of North Dakota is designated as a single planning and service area, North Dakota does not have an intrastate funding formula.

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\(^{353}\) N.D. CENT. CODE § 50-06-05.6.


\(^{355}\) Id.

\(^{356}\) Id.
Departmental Non-Discrimination Provisions or Policies:

The Department of Human Services (DHS) does not have a non-discrimination policy, but is forbidden from discriminating on the basis of age in providing services.

Recommendations:

- Expand non-discrimination statutes to include protection on the basis of age in education and insurance.

- Amend non-discrimination statutes to prohibit discrimination on the bases of sexual orientation and gender identity or expression in employment, housing, public accommodations, credit, education, insurance, and public services.

- Create a DHS non-discrimination policy that prohibits the DHS and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

357 N.D. CENT. CODE § 14-02.4-03
358 N.D. CENT. CODE § 14-02.4-01
359 N.D. CENT. CODE § 14-02.4-14. “Public accommodation” means every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods to the general public for a fee, charge, or gratuity. “Public accommodation” does not include a bona fide private club or other place, establishment, or facility which is by its nature distinctly private, provided, however, the distinctly private place, establishment, or facility is a “public accommodation” during the period it caters or offers services, facilities, or goods to the general public for a fee, charge, or gratuity. N.D. CENT. CODE § 14-02.4-02.
360 N.D. CENT. CODE § 14-02.4-17
361 N.D. CENT. CODE § 14-02.4-15. “Public service” means a public facility, department, agency, board, or commission owned, operated, or managed by or on behalf of this state, a political subdivision thereof, or a public corporation.” This would likely include public schools. N.D. CENT. CODE § 14-02.4-02.
Ohio

Advisory Body:

Composition: The Ohio Advisory Council for the Aging is comprised of twelve at-large members and eight ex officio members. Each of the at-large members is appointed to a three-year term by the governor. A majority of members of the Council must be age sixty or older “and have a knowledge of, and continuing interest in, the affairs and welfare of the older citizens of Ohio. The fields of business, labor, health, law, and human services shall be represented in the membership.” No more than seven members may be members of the same political party. Each member is paid a daily rate of $50 for each day employed carrying out the official duties of the Council.362

Scope of Authority: The Council serves to advise the governor and the Department of Human Services on issues related to aging and aging policy.

Administration:

Agency Responsible for Services: The Ohio Department of Aging (DOA) is the agency within the governor’s cabinet that is responsible for the provision of services to older Ohioans.363

Services Provided: The DOA oversees Ohio’s twelve Area Agencies on Aging (AAA). The AAAs provide services and community education programs to older Ohioans directly and through contractors. Services and programs include employment and training services, health and wellness services, disease prevention, Medicare information and assistance, education, senior centers, heating and cooling assistance, meals and nutrition programs, home care, and the Long-Term Care Ombudsman Program.364

Funding:

Funding Sources: Ohio funds its services primarily through Older Americans Act (OAA) funds but it also utilizes various other federal, state, and local funds.

Funding Formula: Ohio provides each of its AAAs with a base allocation of $375,000. The remainder of Ohio’s funds are distributed to the AAAs in accord with the following two formulas:

362 R.C. § 173.03
364 Id.
365 State Plan on Aging, F-1
For all funds except Title III-D funds:

- Forty-three percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Twenty-eight percent of funds are awarded based upon a district’s proportion of the state’s population who are age seventy-five and over;
- Eleven percent of funds are awarded based upon a district’s proportion of the state population age sixty and over and who live below the federal poverty level;
- Eight percent of funds are awarded based upon a district’s proportion of the state population age sixty and older who are minorities;
- Eight percent of funds are awarded based upon a district’s proportion of the state population age sixty and older and who live alone; and,
- Two percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who live in rural areas.\(^{366}\)

For Title III-D funds:

- Twenty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Twenty percent of funds are awarded based upon a district’s proportion of the state’s population who are age sixty and over who are minorities;
- Twenty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who live below the federal poverty level; and,
- Forty percent of funds are awarded based upon a district’s proportion of the state population age sixty and who are medically underserved.\(^{367}\)

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** Ohio does not provide a definition.

**Definition of Greatest Economic Need:** Ohio does not provide a definition.

**Definition of Greatest Social Need:** Ohio does not provide a definition.

\(^{366}\) Id.

\(^{367}\) Id.
**Definition of Minority:** Ohio does not provide a definition.

**Non-Discrimination in State Statutes:**

<table>
<thead>
<tr>
<th>Ohio Statutes Prohibit Discrimination on the Basis of</th>
<th>Age</th>
<th>Sexual Orientation</th>
<th>Gender Identity or Expression</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment(^{369})</td>
<td>✔️</td>
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<tr>
<td>Housing</td>
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<tr>
<td>Public Accommodations(^{370})</td>
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<td>Credit(^{371})</td>
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<td>Insurance</td>
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</table>

**Departmental Non-Discrimination Provisions or Policies:**

On its website, the Department of Aging (DOA) states that it is an equal opportunity service provider that does not discriminate on the bases of age or sexual orientation.\(^{372}\) Additionally, one of the Aging Services State Plan Goals for 2004-2007 was to “Respond to disparate needs (e.g., health, social isolation, poverty) of older adults who may be diverse in...sexual orientation.”\(^{373}\)

**Recommendations:**

- Expand non-discrimination statutes to include protection on the basis of age in public accommodations, education, and insurance.

- Amend non-discrimination statutes to prohibit discrimination on the bases of sexual orientation and gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

- Create a DAS non-discrimination policy that prohibits the DAS and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

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\(^{368}\) Residents of adult foster homes have the right not to be discriminated against on the basis of their sexual orientation. OH. ADMIN. CODE §173-36-07.

\(^{369}\) OH. REV. CODE ANN. § 4112.02.

\(^{370}\) OH. REV. CODE ANN. § 4112.02. Public Accommodation is defined as “any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public.” OH. REV. CODE ANN. § 4112.01.

\(^{371}\) OH. REV. CODE ANN. 4112.021.


Oklahoma

Advisory Body:

Composition: The Oklahoma State Council on Aging is comprised of thirty-one members, each of whom is appointed by the Director of the Department of Human Services upon the recommendation of the Aging Services Division. Members may serve a maximum of two terms. At least half of the Council must be age sixty or older, the remainder must be representative of public and private service organizations or agencies.  

Scope of Authority: The State Council on Aging advises the Aging Services Division (ASD) director on all matters pertaining to the development, implementation, and administration of ASD programs to assist ASD in identifying the needs and representing the interests of older persons.  

Administration:

Agency Responsible for Services: The ASD, a subdivision of the Oklahoma Department of Human Services, is responsible for the provision of services to older Oklahomans.  

Services Provided: The ASD oversees Oklahoma’s eleven Area Agencies on Aging (AAA). The AAAs provide services and community education programs to older Oklahomans directly and through contractors. Services and programs include supportive services, transportation, in-home services, legal assistance, nutrition services, disease prevention and health promotion, family caregiver support, congregate and home-delivered meals, adult day services, and the Long-Term Care Ombudsman Program.  

Funding:

Funding Sources: Oklahoma funds its services primarily through Older Americans Act (OAA) funds. It also utilizes various other federal and state funding streams.  

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374 DHS Website, available at http://www.okdhs.org/divisions/offices/visd/asd/sca/
376 Id.
377 http://www.okdhs.org/programsandservices/aging/aaa/
378 http://www.okdhs.org/programsandservices/aging/docs/
Funding Formula: The ASD provides a base to each AAA for administrative costs and to run the Long-Term Care Ombudsman Program. Oklahoma distributes the remainder of its OAA funds in accord with the following formula:

- Fifty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state’s population who are age sixty and over who are below 100% of the poverty level; and,
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are racial minorities.

Funding-Related Definitions:

Definition of Targeted Population: Oklahoma defines its target vulnerable population as “low income minority older person and “older persons residing in rural or isolated areas; persons with severe disabilities; persons with limited English proficiency; persons at risk for institutional placement; persons with Alzheimer’s disease and related disorders with neurological and organic brain dysfunction and the caretakers of such persons; and (6) Native Americans.”

Definition of Greatest Economic Need: Oklahoma does not provide a definition.

Definition of Greatest Social Need: Oklahoma does not provide a definition.

Definition of Minority: Oklahoma does not provide a definition.
Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
<th>Oklahoma Statutes Prohibit Discrimination on the Basis of</th>
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<td>Housing(^{382})</td>
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<td>✗</td>
</tr>
<tr>
<td>Public Accommodations(^{383})</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
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<tr>
<td>Credit</td>
<td>✗</td>
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<tr>
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<tr>
<td>Insurance</td>
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</table>

Departmental Non-Discrimination Provisions or Policies:

The Oklahoma Department of Human Services (DHS) prohibits its employees and vendors from discriminating based on age.

**Recommendations:**

- Expand non-discrimination statutes to include protection on the basis of age in employment, credit, education, and insurance.

- Amend non-discrimination statutes to prohibit discrimination on the bases of sexual orientation and gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

- Create a DHS non-discrimination policy that prohibits the DHS and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

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\(^{382}\) OKLA. STAT. tit 25 § 1452
\(^{383}\) OKLA. STAT. tit.25 § 1402

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Oregon

Advisory Body:

Composition: Oregon’s committee to advise the Director of Human Services on aging issues is appointed by the Director. There are no statutory guidelines for the number of appointees. The director must appoint representatives from the Oregon Association of Hospitals, the Oregon Health Care Association, the Oregon Association of Homes for the Aging, and representatives of organizations of seniors.385

Scope of Authority: The committee serves to advise the Department on certifying and decertifying programs that provide or fail to provide services for older Oregonians and in advising the Department on creating the State Plan on Aging.386

Administration:

Agency Responsible for Services: The Department of Human Services (DHS) is the designated State Unit on Aging in Oregon, and it is responsible for the provision of services to older Oregonians.387

Services Provided: The DHS oversees Oregon’s seventeen Area Agencies on Aging (AAA). The AAAs provide services and community education programs to older Oregonians directly and through contractors. There are two types of AAAs in Oregon: Type A and Type B. In a Type A agency, a Department of Human Services Seniors & People with Disabilities local office administers Medicaid, financial and adult protective services, and regulatory programs for the elderly and disabled. In a Type B agency, those services are provided by the local government. Services and programs include cash and medical assistance, nursing facility care, in-home services, congregate and home-delivered meals, assisted living in licensed facilities, Alzheimer’s programs, personal care for Medicaid eligible persons, elder care, adult day care and health services, transportation, family caregiver support, health promotion and disease prevention, protective services, and the Long-Term Care Ombudsman Program.388

Funding:

Funding Sources: Oregon funds its services primarily through OAA funds, it also utilizes various other federal and state funds, including the Oregon Project Independence appropriation.

385 OR.REV.STAT. § 410.520.
386 Id.
388 Id. at 39.
Funding Formula: Oregon’s State Plan on Aging describes the funding formulas it uses without expressly defining them. The plan provides:

“Oregon’s Older Americans Act grant award and Oregon Project Independence appropriation are allocated to individual Area Agencies on Aging based on a combination of a Base Amount formula, a Land Area formula, and a Population formula:

- The **base amount formula** allocates a predetermined amount to each area agency.
- The **land area formula** allocates a percentage based on the agency’s share of Oregon’s total square mileage:
  - 2.5 or 5% of Older Americans Act award after subtracting base amount
  - 5% of Oregon Project Independence appropriation.
- The **population formula** bases an agency’s percentage of the grant and allocation on the agency’s share of four population factors of Oregon’s total for each factor. The amount allocated based on population is the total amount less allocations for base amount and/or land area. The population factors are:
  - Population 60 years and older
  - Population 75 years and older
  - Minority population 65 years and older
  - Poverty population 65 years and older with incomes below 125% of federal poverty level
  - Population 70 years and older.”

Funding-Related Definitions:

**Definition of Vulnerable Elder or Population:** Oregon does not provide a definition.

**Definition of Greatest Economic Need:** Oregon adopts the OAA’s definition of ‘greatest economic need’ in its state plan. The “greatest economic need [is] that resulting from an income level at or below the poverty level established by the federal Office of Management and Budget.”

389 Id. at 98.
390 Id. at 96.
Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
<th>Oregon Statutes Prohibit Discrimination on the Basis of</th>
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<tbody>
<tr>
<td>Employment <strong>391</strong></td>
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<td>✔️</td>
<td>✔️</td>
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<td>Housing <strong>392</strong></td>
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<td>Public Accommodations <strong>393</strong></td>
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<tr>
<td>Education <strong>394</strong></td>
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<tr>
<td>Insurance <strong>395</strong></td>
<td>✔️</td>
<td>✔️</td>
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</tr>
</tbody>
</table>

Departmental Non-Discrimination Provisions or Policies:

The Department of Human Services (DHS) does not have a non-discrimination policy.

**Recommendations:**

- Expand non-discrimination statutes to include protection on the basis of age in housing and credit.

- Amend non-discrimination statutes to prohibit discrimination on the bases of sexual orientation and gender identity or expression in credit and insurance.

- Create a DHS non-discrimination policy that prohibits the DHS and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

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**Notes:**

391 OR.REV.STAT. § 659A.006.
392 OR.REV.STAT. § 659A.421.
393 OR.REV.STAT. § 659A.405. Public accommodation means "any place or service offering to the public accommodations, advantages, facilities or privileges whether in the nature of goods, services, lodgings, amusements or otherwise." OR.REV.STAT. § 659A.400.
394 OR.REV.STAT. § 659.850.
395 "Discrimination by an insurer in the application of its underwriting standards or rates based solely upon an insured’s or applicant’s attaining or exceeding 65 years of age is prohibited, unless such discrimination is clearly based on sound actuarial principles or is related to actual or reasonably anticipated experience." OR.REV.STAT. § 746.015.
Pennsylvania

Advisory Body:

Composition: The Pennsylvania Council on Aging consists of twenty-one members, each of whom is appointed by the governor to a three-year term. At least eleven of the members must be sixty years of age or older. The Council must include the chairpersons of the regional councils on aging and representatives of long-term care providers.

Scope of Authority: The Council has the following powers and duties:

To “(1) Assist the department in the preparation of the State plan on aging; (2) To review and comment on rules and regulations promulgated by the department; (3) To prepare and submit to the Governor, the General Assembly, the Secretary of the Department of Aging and the public, reports evaluating the level and quality of services and programs provided to the aging by Commonwealth agencies together with recommendations for improved, expanded or additional programs and services for the aging; (4) To carry out public hearings on matters affecting the rights and interests of the aging including matters involving cases of neglect, abuse and age discrimination against older persons in the administration of the laws of the Commonwealth and its political subdivisions; (5) To carry out studies in the areas of age discrimination, health care, Medical Assistance program policies affecting the elderly, duration-of-stay contracts for nursing homes, health-related insurance increases and, as appropriate, other major issues affecting the aging and to report to the Governor, the General Assembly, the secretary and the public its findings and recommendations in regard to appropriate action and a long-term strategy for an appropriate manner in which to address these issues; (6) Consult with the secretary regarding the operations of the department; (7) To establish no more than five regional councils on aging which shall consist of fifteen citizen members and concerning which the composition, members’ terms of offices, organization and duties and responsibilities shall be determined by the council; (8) Employ, with such funds as are annually appropriated by the General Assembly, sufficient staff and services to carry out these duties and powers as well as the duties and powers of the regional councils.”^{396}

396 71 PA. STAT. ANN. § 581-4.
Administration:

Agency Responsible for Services: The Department of Aging (DOA) is responsible for the provision of services to older Pennsylvanians.

Services Provided: The DOA oversees Pennsylvania’s fifty-two Area Agencies on Aging (AAA). The AAAs provide services and community education programs for older Pennsylvanians. Services and programs include attendant care, domiciliary care services, family caregiver support, housing (information on retirement communities and long term care facilities), legal assistance, community transition services, older adults daily living centers, the Long Term Care Ombudsman Program, pharmaceutical assistance, disease prevention, senior community centers, and transportation.

Funding:

Funding Sources: Pennsylvania funds its services through primarily through Older Americans Act (OAA) funds, but it also utilizes other state and federal funds, such as Pennsylvania’s lottery fund and tobacco funds.

Funding Formula: Pennsylvania’s aging funds are distributed to the AAAs in accord with the formula below. There are two corollaries to the formula: for the purpose of state funds, no AAA may receive less in funding than it did the previous year; for the purpose of OAA funds, no AAA may receive a reduction of greater than four percent from the previous year. The formula is:

- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population living at or below 100% of the federal poverty level;
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population living in a rural area;
- Twenty percent of funds are awarded based upon a district’s proportion of the state minority population;
- Twenty percent of funds are awarded based upon a district’s proportion of the state population age seventy-five and older; and,
- Ten percent of funds are awarded based upon a district’s proportion of the state population age sixty and over.

Non-Discrimination in State Statutes:

<table>
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<th>Pennsylvania Statutes Prohibit Discrimination on the Basis of</th>
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<tbody>
<tr>
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<tr>
<td>Age 401 43 PA.STAT.ANN. § 955.</td>
</tr>
<tr>
<td>Sexual Orientation</td>
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</table>
| 402 “An agency under the jurisdiction of the Governor may not discriminate against an employee or applicant for em-
  ployment because of race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender
  identity or expression, national origin, AIDS or HIV status or disability.” 4 PA.STAT.ANN. § 1.161 |
| Gender Identity or Expression                                            |
| 403 Id.                                                                  |
| Housing                                                                  |
| Public Accommodations404                                                  |
| Credit                                                                   |
| Education                                                                |
| Insurance                                                                |

Departmental Non-Discrimination Provisions or Policies:

The Department of Aging (DOA) does not have a non-discrimination policy.

Recommendations:

• Expand non-discrimination statutes to include protection on the basis of age in public accommodations, credit, education, and insurance.

• Amend non-discrimination statutes to prohibit discrimination on the bases of sexual orientation and gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

• Create a DOA non-discrimination policy that prohibits the DOA and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

401 43 PA.STAT.ANN. § 955.
402 “An agency under the jurisdiction of the Governor may not discriminate against an employee or applicant for em-
  ployment because of race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender
  identity or expression, national origin, AIDS or HIV status or disability.” 4 PA.STAT.ANN. § 1.161
403 Id.
404 Pennsylvania does prohibit discrimination by providers of adult services on the bases of age and sexual orientation, PA.STAT.ANN. § 2600.42; however, there are no protections in other public accommodations.
Rhode Island

Advisory Body:

Composition: The Rhode Island Advisory Commission on Aging is comprised of twenty-five members: four members are representatives from the General Assembly, and twenty-one members are appointed by the governor. Thirteen of the governor’s appointees “shall be elderly consumers representative of that segment of the population.” The governor’s appointees serve three-year terms.405

Scope of Authority: Per the Rhode Island Code, “The commission shall meet at the call of the governor or the chairperson and shall make suggestions to and advise the governor or the director concerning the policies and problems confronting the aged and aging of the state. The members of the commission shall serve without compensation but shall be compensated for their necessary and actual traveling expenses in the performance of their official duties.”406

Administration:

Agency Responsible for Services: The Rhode Island Department of Elderly Affairs (DEA) is responsible for the provision of services to older Rhode Islanders.407

Services Provided: The DEA provides services directly and administers community-based grants to various regional and local projects, centers, and services. Rhode Island is a single Planning and Service Area, and the Department serves as Rhode Island’s only Area Agency on Aging. Services and programs include transportation, housing security and residential services, legal services, senior workforce development, home care services, adult day services, respite services (including the National Family Caregiver Program), congregate and home-delivered meals, protective services, low-income energy assistance for the City of Providence, the Rhode Island Pharmaceutical Assistance to the Elderly Program, access to treatment for coordinated mental health for elders and adults with disabilities, and senior centers.408

406 Id.
408 Id. at 30-38.
Funding:

Funding Sources: Rhode Island funds its services primarily through Older Americans Act (OAA) funds, but it also makes use of various other state and federal funds, including the Alzheimer’s Demonstration Grant and Senior Health Insurance Program (SHIP) grants.  

Funding Formula: Because Rhode Island operates as a single planning and service area, it does not have an intrastate funding formula.

Funding-Related Definitions:

Definition of Vulnerable Elder or Population: Rhode Island does not provide a definition.

Definition of Greatest Economic Need: Rhode Island does not provide a definition.

Definition of Greatest Social Need: Rhode Island does not provide a definition.

Definition of Minority: Rhode Island does not provide a definition.

Non-Discrimination in State Statutes:

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409 Id.
410 R.I. GEN. LAWS § 28-5-3.
412 R.I. GEN. LAWS § 11-24-2. Public Accommodations is defined to include: “(1) inns, taverns, roadhouses, hotels, whether conducted for the entertainment or accommodation of transient guests or of those seeking health, recreation or rest; (2) restaurants, eating houses or any place where food is sold for consumption on the premises; (3) buffets, saloons, barrooms, or any stores, parks, or enclosures where spirituous or malt liquors are sold; (4) ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or beverages of any kind are retailed for consumption on the premises; (5) retail stores and establishments, dispensaries, clinics, hospitals, rest rooms, bath houses, barber shops, beauty parlors, theaters, motion picture houses, music halls, andromes, roof gardens, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, seashore accommodations and boating lakes, and public libraries; (6) garages; (7) all public conveyances operated on land, water or in the air as well as their stations and terminals; (8) public halls and public elevators of buildings occupied by two (2) or more tenants or by the owner and one or more tenants; and (9) public housing projects. Nothing in this section shall be construed to include any place of accommodation, resort, or amusement which is in its nature distinctly private.” R.I. GEN. LAWS § 11-24-3.
413 R.I. GEN. LAWS § 34-37-4.3.
Departmental Non-Discrimination Provisions or Policies:

The Department of Elderly Affairs (DEA) does not have a non-discrimination policy.

Recommendations:

• Expand non-discrimination statutes to include protection on the bases of age, sexual orientation, and gender identity or expression in education and insurance.

• Create a DEA non-discrimination policy that prohibits the DEA and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.
South Carolina

Advisory Body:

Composition: South Carolina’s Advisory Council on Aging is comprised of fifteen members.414 Members serve four-year terms and no member may serve more than two consecutive terms.415 The Council is comprised of one member from each of the ten planning and service areas under the Division on Aging (DOA) and five members from the State at large. Nominations for appointment are submitted to the director of the Division; the appointments are made by the Lieutenant Governor. “The members must be citizens of the State who have an interest in and a knowledge of the problems of an aging population. In making appointments to the council, consideration must be given to assure that the council is composed of appointees who are diverse in age, who are able and disabled, and who are active leaders in organizations and institutions that represent different concerns of older citizens and their families.”416

Scope of Authority: The Council supports the DOA and makes recommendations concerning aging and aging services.

Administration:

Agency Responsible for Services: The DOA, within the Lieutenant Governor’s Office, is responsible for the provision of services to older South Carolinians.417

Services Provided: The DOA oversees South Carolina’s ten Area Agencies on Aging (AAA). The AAAs contract with service providers to provide services and community education programs for older people. Services and programs include home care, transportation, health promotion and disease prevention, congregate and home-delivered meals, caregiver support, senior citizen centers, housekeeping, personal care, the Long-Term Care Ombudsman Program, and respite care.

414 S.C. STAT. ANN. § 43-21-10.
Funding:

**Funding Sources:** South Carolina funds its services primarily through Older Americans Act (OAA) funds; it also makes use of various other federal and state funds, including funds from the Health Insurance Counseling Program, Social Services Block Grants, and the Nutrition Services Incentive Program.\(^{418}\)

**Funding Formula:** South Carolina divides its OAA funds in half and distributes one-half of its funds equally among South Carolina’s ten AAAs. The other half of South Carolina’s OAA funds are distributed to the AAAs in accord with the following formula:

- Forty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Twenty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over at or below 100% of the poverty level;
- Twenty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities;
- Ten percent of funds are awarded based upon a district’s proportion of the state’s rural population; and,
- Ten percent of funds are awarded based upon a district’s proportion of the state population age seventy-five and who are moderately or severely impaired.\(^{419}\)

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** South Carolina does not provide a definition.

**Definition of Greatest Economic Need:** South Carolina defines ‘individuals with the greatest economic need’ as those whose income is at or below the federal poverty level.\(^{420}\)

**Definition of Greatest Social Need:** South Carolina defines ‘individuals with the greatest social need’ as those who live in rural areas, are minorities, or are moderately or severely disabled.\(^{421}\)

**Definition of Minority:** South Carolina does not provide a definition.
Non-Discrimination in State Statutes:

The Department on Aging (DOA) does not have a non-discrimination policy.

Recommendations:

- Expand non-discrimination statutes to include protection on the basis of age in housing, public accommodations, credit, education, and insurance.

- Amend non-discrimination statutes to prohibit discrimination on the bases of sexual orientation and gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

- Create a DOA non-discrimination policy that prohibits the DOA and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

424 South Carolina prohibits discrimination on the basis of age in hospices and home health agencies, but does not otherwise prohibit discrimination in public accommodations. S.C. CODE ANN. § 44-71-90.
South Dakota

Advisory Body:

Composition: “The South Dakota Advisory Council on Aging members are appointed by the Governor. Eleven members who serve on this council are geographically located throughout the state. Consideration is given to requirements of state and federal programs to which the council relates. A majority of the membership of the council shall consist of actual or potential consumers of services under the Older Americans Act.”\(^\text{424}\) The Council must include an effective and visible advocate for the state’s minority elderly.\(^\text{425}\)

Scope of Authority: The Council makes recommendations regarding aging, aging services, and the State Plan on Aging.\(^\text{426}\)

Administration:

Agency Responsible for Services: The South Dakota Division of Adult Services and Aging (DASA) is a sub-division of the South Dakota Department of Social Services and is responsible for the provision of services to older South Dakotans.\(^\text{427}\)

Services Provided: The DASA provides services to older South Dakotans directly and indirectly through contractors. South Dakota is a single Planning and Service Area. Within this single area South Dakota is divided into four districts which include twenty-four local offices. Within the local offices are seventy-five social workers and supervisors who provide information and referral, case management, community involvement efforts, and determine program eligibility. These social workers are also the adult protective services workers and the ombudsmen. Services provided include: respite care, homemaker services, personal care, protective services, the Long-Term Care Ombudsman Program, the SHIP program, the Assistive Devices Program, legal assistance, and congregate and home-delivered meals.\(^\text{428}\)

Funding:

Funding Sources: South Dakota funds its services primarily through Older Americans Act (OAA) funds. South Dakota also makes use of various other federal and state funds, including the SHIP program and the Alzheimer’s Demonstration Grant.\(^\text{429}\)
According to a Department of Social Services (DSS) brochure, “It is the policy of the South Dakota [DSS] to make sure that applications for program benefits and services are made available to everyone and that program benefits are granted to all who meet eligibility standards. DSS staff, programs and policies must not discriminate against clients or applicants for services because of race, color, sex, age, disability, religion and national origin. DSS must also provide fair and equal access to all of its programs and services for people with disabilities; this includes both physical access to buildings and access to programs and services.”
Recommendations:

• Draft non-discrimination statutes to include protection on the bases of age, sexual orientation, and gender identity or expression in employment housing, public accommodations, credit, education, and insurance.

• Amend DSS’s non-discrimination policy to prohibit the DSS and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.
Tennessee

Advisory Body:

Composition: The Commission on Aging and Disability has a policy-formation and decision making board consisting of twenty-five members. Eighteen members are appointed by the governor. Of the governor’s appointees, one must be a member of a chartered, statewide organization that advocates exclusively for older persons, one must be a member of a federal chartered organization that advocates exclusively for older persons that has statewide membership and that has chartered chapters in Tennessee, and one must be a member of a chartered, statewide organization that advocates exclusively for disabled persons. In addition to these gubernatorial appointees, the Commissioners of the Departments of Health, Mental Health/Developmental Disabilities, Human Services, and Veteran’s Affairs and the Director of the Council on Development Disabilities are ex-officio members of the committee and two members of the General Assembly serve as non-voting representatives. 430

Scope of Authority: The Commission coordinates with other agencies and institutions at the state level in carrying out the provisions of the Act, and it is responsible for assuring that all provisions of the Act are implemented throughout the state.431

Administration:

Agency Responsible for Services: The Commission is the designated state agency on aging. The Commission is led by the Executive Director. 432

Services Provided: There are nine Area Agencies on Aging (AAA). Each Agency has its own advisory council. AAAs provide information services, case management, in-home service authorization and public guardianship. AAAs also contract with service providers to provide access to services, community based services, in-home services, and institutional care Services. The State, through the AAAs, provides senior center programs, public guardianship, homemaker services,

431 Id.
432 Id.
home-delivered meals and congregate meals, home- and community-based long-term care services for those who don’t qualify for Medicaid, transportation, health promotion programs, adult day care, ombudsman services, information services, case management, in-home service authorization, and public guardianship.

**Funding:**

**Funding Sources:** Tennessee utilizes federal receives funds from the Older Americans Act (OAA), the Alzheimer’s Demonstration grant from the Administration on Aging, SHIP, and the Senior Medicare Patrol Project, and state and local funds.433

**Funding Formula:** Ten percent of OAA funds are designated for administrative purposes. Of this ten-percent, each AAA is allocated $100,000 plus a pro-rata share of the remaining funds. The remaining ninety percent of funds are distributed according to the following formula:

- Thirty-five percent of funds are awarded based upon a district’s proportion of the state population over age sixty;
- Thirty percent of funds are awarded based upon a district’s proportion of the state’s population who are sixty and over who are below 100% of the poverty level;
- Fifteen percent of funds are awarded based upon a district’s proportion of the state population over age sixty and live in a rural area;
- Ten percent of funds are awarded based upon a district’s proportion of the state population over age sixty who are also members of a minority; and,
- Ten percent of funds are awarded based upon a district’s proportion of the state population over age eighty and over.434

**Funding-Related Definitions**

**Definition of Vulnerable Elder or Population:** Tennessee does not provide a definition.

**Definition of Greatest Economic Need:** Tennessee does not provide a definition.

**Definition of Greatest Social Need:** Tennessee does not provide a definition.

**Definition of Minority:** Tennessee does not provide a definition.
Agency Non-Discrimination Policies:

The Commission does not discriminate on the basis of age. 438

Recommendations:

• Expand non-discrimination statutes to include protection on the basis of age in the areas of housing, insurance, credit, and education.

• Amend current non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in the areas of public accommodations, employment, public contracts for social services, housing, insurance, credit, and education.

• Expand the Commission non-discrimination policy to include sexual orientation and gender identity or expression.

• Create a non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that the Commission and its contractors be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.

435 TENN. CODE ANN. § 4-21-101.
436 id.
437 TENN. CODE ANN. § 12-4-122.
Advisory Bodies:

The Texas Board on Aging:

Composition: The Texas Board on Aging is the governing body of the Texas Department on Aging. The Board is composed of nine members appointed by the governor with the advice and consent of the senate. Appointments to the board must be made without regard to the race, color, handicap, sex, religion, age, or national origin of the appointees. To be eligible for appointment, a person must have demonstrated an interest in, and knowledge of, the problems of aging, and must be a member of the general public. The members must include an expert in gerontology, a medical professional, a consumer advocate, and three members of the general public. Members of the board serve for staggered terms of six years with the terms of three members expiring on February 1 of each odd-numbered year. A member may be reappointed to the board. Members of the board may receive the compensatory per diem authorized by the General Appropriations Act for each day spent engaged in the performance of their official duties. 439

A person is not eligible for appointment as a public member if the person or the person’s spouse is employed by or participates in the management of a business entity or other organization regulated by or receiving funds from the department; owns, controls, or has, directly or indirectly, more than a ten percent interest in a business entity or other organization regulated by or receiving funds from the department; or uses or receives a substantial amount of tangible goods, services, or funds from the department. 440

Scope of Authority: The Board on Aging governs the Texas Department on Aging and oversees the Citizens Advisory Council. The board adopts rules governing the functions of the department, including rules that prescribe the policies and procedures followed by the board and the department in the administration of any local services programs, employment programs for the aged, volunteer programs for the aged, or other programs. 441

439 TEX HUM. RES. CODE ANN. §101.001.
440 Id.
441 TEX HUM. RES. CODE ANN. § 101.021.
The Texas Citizens Advisory Council:

**Composition:** The Texas Citizens Advisory Council is composed of one member appointed by the board from each of the states Area Agencies on Aging (AAA). Each member serves a three-year term. Each council member must be a member of the local advisory council advising the area agency. Council members are entitled to the compensatory per diem authorized by the General Appropriations Act for each day spent engaged in the performance of their duties as directed by the board and are entitled to the same travel allowance authorized by the General Appropriations Act for state employees. 442

**Scope of Authority:** The Council works under the Board on Aging’s direction. The Council informs policymakers and administrators at the state level of local needs and concerns relating to older Texans. 443

Administration:

**Agency Responsible for Services:** The Department of Aging and Disability Services (DADS), a division of the Texas Department of Health and Human Services (DHHS), is responsible for the provision of services to older Texans. 444

**Services Provided:** The DADS oversees Texas’s twenty-eight AAAs. The AAAs provide services and community education programs for older Texans to meet the unique needs of their planning and service areas. Services and programs include adult foster care, community attendant services, the Community Based Alternatives Program, the Community Living Assistance and Support Services Program, the Consolidated Waiver Program, the Day Activity and Health Services Program, emergency response services, family care, home and community-based services, congregate and home-delivered meals, hospice care, in-home and family support, primary home care, residential care, and special services for people with disabilities. 445

**Funding:**

**Funding Sources:** Texas funds its services primarily through Older Americans Act (OAA) funds. Texas also makes use of various other state and federal sources, including Social Services Block Grants, Alzheimer’s Disease Demonstration Grants, and National Caregiver Support Funds. 446

442TEX HUM. RES. CODE ANN. § 101.005.
443 Id.
445 Id. at Appendix E.
446 DADS website, available at http://www.dads.state.tx.us/news_info/budget/funding_sources.html
Funding Formula: Texas provides each AAA with a base allotment of $80,000. The remainder of Texas’s OAA funds are distributed in accord with the following formula:

- Fifty percent of funds are awarded based upon a district’s proportion of the state’s population who are age sixty and over who are below 100% of the poverty level;
- Forty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over; and,
- Ten percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities.447

Funding-Related Definitions:

Definition of Vulnerable Elder or Population: Texas does not provide a definition.

Definition of Greatest Economic Need: Texas does not provide a definition.

Definition of Greatest Social Need: Texas does not provide a definition.

Definition of Minority: Texas does not provide a definition.

Non-Discrimination in State Statutes:

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447 Texas State Plan on Aging 2008-2010 at Appendix D.
448 TEX. LAB. CODE ANN. § 21.051.
Departmental Non-Discrimination Provisions or Policies:

Per the Texas Administrative Code, state health services providers cannot discriminate on the bases of age, sexual orientation, or HIV status.

Recommendations:

• Expand non-discrimination statutes to include protection on the basis of age in housing, public accommodations, credit, education, and insurance.

• Amend non-discrimination statutes to prohibit discrimination on the bases of sexual orientation in employment, housing, public accommodations, credit, education, and insurance.

• Amend non-discrimination statutes to prohibit discrimination on the basis of gender identity or expression in employment, housing, public accommodations, credit, education, insurance, and health services.

• Create a DHHS non-discrimination policy that prohibits the DHHS and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.
Utah

Advisory Body:

Composition: The Board of Aging and Adult Services is the program policymaking body for the Utah Division of Aging and Adult Services. The seven-member Board is appointed by the governor and confirmed by the state Senate. Members are chosen from both rural and urban areas of the state and the Board is nonpartisan in its composition. The Board meets on a monthly basis and regularly hears from Division staff and the Chair of the Utah Association of Area Agencies on Aging, a group that represents Utah’s twelve Area Agencies on Aging (AAA). While most of the meetings are held in Salt Lake City, the Board conducts several of its monthly meetings in rural Utah. During all meetings members of the public are invited and encouraged to participate and present their concerns to the Board.

Scope of Authority: The Board is the program policymaking body for the Division of Aging and Adult Services. On an annual basis, the Board is called upon to review and approve the plans that explain how the AAAs will utilize the federal funds allocated to the State in furtherance of the Older Americans Act (OAA). The actual format of the plan is developed by the Division and approved by the Board.450

Administration:

Agency Responsible for Services: The Division of Aging and Adult Services (DAAS) administers, delivers, and monitors services to aging and vulnerable adults.451

Services Provided: The DAAS oversees Utah’s twelve AAAs. The AAAs provide services and community education programs for older Utahans. Services and programs include nutrition services, transportation services, National Family Caregiver Support, elder abuse prevention, in-home services for the frail elderly, disease prevention and health promotion, legal assistance, the Long-Term Care Ombudsman, community based services, and senior community services employment.452

450 Id.
451 Id.
452 Id.
Funding:

**Funding Sources:** Utah funds its services through OAA funds and various other state and federal funds.

**Funding Formulas:** Utah uses three different funding formulas: one formula applies to funds used for in-home services, another formula applies to OAA funding, and a third formula applies to the Long-Term Care Ombudsman Program.

For in-home services, Utah provides each AAA with a base allotment of $16,000 and distributes 10% of remaining funds based upon a district’s proportion of land area. Utah distributes the remaining in-home services funds in accord with the following formula:

- Fifty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Thirty percent of funds are awarded based upon a district’s proportion of the state’s population who are age seventy-five and over;
- Ten percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities; and,
- Five percent of funds are awarded based upon a district’s proportion of the state population of all people aged 18-59. 453

The formula for OAA funds is not defined in state statutes or in the state plan on aging, but Utah’s regulatory code does provide guidelines for its formula. The guidelines provide that there shall be a base allotment provided equally to each AAA. Of the remaining funds, 7.5% are to be distributed to the Agencies in accord with their proportion of Utah’s total land area and 92.5% of funds are allocated in accord with the following formula:

- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Fifty percent of funds are awarded based upon a district’s proportion of the state’s population who are age sixty-five and over;
- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are living below 125% of the federal poverty line. Five percent of funds are awarded based upon a district’s proportion

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453 UTAH ADMIN CODE. R. 510-100-2.
of the state population of all people aged 18-59.454

For the Long-term Care Ombudsman Program, Utah provides an equal base allocation to each AAA from the federal government’s funds dedicated to base allocation funding for the ombudsman program. Additional federal and state funds that become available are allocated based on the proportion of long-term care beds in the AAA against the number of long-term care beds in the state.455

**Definition of Vulnerable Elder or Population:** Utah does not provide a definition.

**Definition of Greatest Economic Need:** Utah does not provide a definition.

**Definition of Greatest Social Need:** Utah does not provide a definition.

**Definition of Minority:** Utah does not provide a definition.

### Non-Discrimination in State Statutes:

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**Departmental Non-Discrimination Provisions or Policies:**

The Division of Aging and Adult Services (DAAS) does not have a non-discrimination policy.

**Recommendations:**

- Expand non-discrimination statutes to include protection on the basis of age in housing, public accommodations, credit, education, and insurance.

454 UTAH ADMIN CODE, R. 510-100-1.
455 UTAH ADMIN CODE, R. 510-100-3.
456 UTAH CODE ANN. § 34A-5-106.
• Amend non-discrimination statutes to prohibit discrimination on the bases of sexual orientation and gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

• Create a DAAS non-discrimination policy that prohibits the DAAS and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.
Vermont

Advisory Body:

**Composition:** Vermont’s advisory council to the Department of Disabilities, Aging, and Independent Living (DDAIL) is mandated by statute to have a minimum of nineteen and a maximum of twenty-four members. The members are each appointed by the governor and serve three-year terms. “Of these members, no fewer than fourteen shall be individuals who are older persons or persons with disabilities, of which at least seven shall be selected for their familiarity with and interest in programs and issues affecting the interests of older persons, and seven shall be selected for their familiarity with and interest in programs and issues affecting the interests of persons with disabilities. Five members shall be selected to represent the interests of each of the five regions of the state. Persons who are paid providers of services to older persons and persons with disabilities shall not be appointed except as representatives of one of the five regions of the state or because they otherwise qualify for membership.” 457

**Scope of Authority:** The council advises the commissioner of DDAIL with respect to programs and issues affecting older persons and persons with disabilities.

**Administration:**

**Agency Responsible for Services:** The Division of Disability and Aging Services (DDAS), a subpart of the DDAIL, is responsible for the provision of services to older Vermonters. 458

**Services Provided:** The DDAS oversees Vermont’s five Area Agencies on Aging (AAA). The AAAs provide case management, advocacy, outreach, and assistance to older Vermonters. Services and programs include adult day care, adult protective services, the Attendant Services Program, the Choices for Care program, the Dementia Respite Program, food and nutrition programs, housing and residential supports, the Mental Health Elder Care Clinician Program, transportation services, and senior centers. 459

**Funding:** Vermont funds its services for older people through Older Americans Act funds (OAA), state funds, and various

457 VT. STAT. ANN. tit. 33 § 505 (2009).
other federal sources including the Alzheimer Disease Demonstration and federal funding for senior centers.\footnote{Vermont State Plan on Aging, available at

**Funding Formula:** Vermont distributes OAA funds and state funds for services for older people using the same formula. Vermont provides $425,220 as a base allocation that is divided equally between the State’s five AAAs. One-third of the remaining funds are distributed based upon each district’s proportion of the population age sixty and over. Of the remaining two-thirds of funds, 80% is distributed according to each district’s population of people age seventy-five and older who are living alone and those who are living below the federal poverty line, and 20% of funds are distributed according to each district’s proportion of the population of individuals living below 125% of the federal poverty line.\footnote{Id.}

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** Although Vermont does not provide a definition of vulnerable elder or population, the State Plan on Aging states that DDAIL “will target services to older adults who: are in greatest economic and social need; are at greatest risk of loss of independence due to frailty, severe disabilities and/or chronic conditions; reside in rural areas; have Alzheimer’s Disease or a related disorder and the caregivers of those individuals; and/or, are older low-income minority individuals.”\footnote{Id. at 5.}

**Definition of Greatest Economic Need:** Vermont does not provide a definition.

**Definition of Greatest Social Need:** Vermont does not provide a definition.

**Definition of Minority:** Vermont does not provide a definition.
Non-Discrimination in State Statutes and Regulations:

<table>
<thead>
<tr>
<th>Vermont Statutes Prohibit Discrimination on the Basis of</th>
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<td>Employment</td>
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<td>Education</td>
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<td>Insurance</td>
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</table>

Departmental Non-Discrimination Provisions or Policies:

The Department of Disabilities, Aging, and Independent Living (DDAIL) does not have a non-discrimination policy.

Recommendations:

- Expand non-discrimination statutes to include protection on the basis of age in public accommodations, credit, education, and insurance.

- Create a DDAIL non-discrimination policy that prohibits DDAIL and its contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that service providers must be sensitive to the needs of gay, lesbian, bisexual, and transgender older people.

463 VT.STAT.ANN. tit. 21. § 495.
464 VT.STAT.ANN. tit. 9 § 4503-4.
465 VT.STAT.ANN. tit. 13-110-010 VT. CODE.
466 VT.STAT.ANN. tit. 8 § 10403.
467 VT.STAT.ANN. tit. 8§ 4724.
Virginia

Advisory Body:

Composition: The Commonwealth Council on Aging is comprised of twenty-three members. The governor appoints eleven members, one from each of Virginia's eleven Congressional Districts. The Senate and House of Delegates each appoint four members to the committee. The executive and legislative appointees each serve four-year terms and they may not be members of the state legislature. In addition, five members of state government serve as non-voting *ex-officio* members. “Members of the Council shall be citizens of the Commonwealth appointed at-large without regard to political affiliation but with due consideration of geographical representation. Appointees shall be selected for their ability, and all appointments shall be of such nature as to aid the work of the Council and to inspire the highest degree of cooperation and confidence.” Members receive $50 per day of service and are reimbursed for costs associated with carrying out their duties.468

Scope of Authority: The Council has the following duties: to examine the needs of older Virginians to determine ways in which state government can most effectively and efficiently assist in meeting those needs; to advise the governor and assembly on aging issues and aging policy; to advise the governor on proposed regulations deemed by the Director of the Department of Planning and Budget to have a substantial and distinct impact on older Virginians; and to advocate and develop the Commonwealth’s planning for meeting the needs of the growing number of older Virginians.469

Administration:

Agency Responsible for Services: The Virginia Department for Aging (VDA) is responsible for planning, coordinating, funding, and evaluating programs for older Virginians.

Services Provided: The VDA contracts with Virginia’s twenty-five Area Agencies on Aging (AAA) and service providers to provide programs and services. AAAs plan, coordinate, and administer aging services at the community level. Some AAAs in Virginia are private nonprofit organizations, others are jointly sponsored by counties and cities, and one is a local mental health Community Services Board. AAAs prepare plans for providing services within their

468 VA. STAT. ANN. 2.2-2626.
469 Id.
planning and service area. Each AAA has an Advisory Council consisting of local citizens who are knowledgeable about the unique needs of their communities, as required by the Older Americans Act (OAA). Services provided include adult day care, care coordination services, homemaker services, disease prevention and health promotion, elder abuse services, insurance counseling, legal assistance, nutrition services, the Long-Term Care Ombudsman Program, personal care services, education, recreation services, and transportation. 470

**Funding:**

**Funding Sources:** Virginia funds its services primarily through OAA funds. Virginia also makes use of various other federal and state funds including the USDA Senior Farmer’s Market Nutrition Program Grant, the Untied We Ride State Coordination Grant, the Alzheimer’s Disease Respite Care Grant, the Model System Development Grant, and the Virginia Respite Care Grant Program. 471

**Funding Formula:** Virginia’s OAA funds are distributed to the Area AAAs in accord with the following formula:

- Thirty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Fifty percent of funds are awarded based upon a district’s proportion of the state’s population who are age sixty and over who are impoverished;
- Ten percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who live in a rural area;
- Ten percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities. 472

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** Virginia does not provide a definition.

**Definition of Greatest Economic Need:** According to the State Plan on Aging, ‘greatest economic need’ means “the need resulting from an income level at or below the poverty line.” 473

**Definition of Greatest Social Need:** According to the State Plan on Aging, ‘greatest social need’ is defined as “the need caused by

470 Id.
471 Id. at 83.
472 Id.
473 Id. at 66.
Departmental Non-Discrimination Provisions or Policies:

The Virginia Department for Aging (VDA) does not have a non-discrimination policy.

Recommendations:

- Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

- Amend non-discrimination statutes to include protections on the basis of age in education, and insurance.

- Create a VDA non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

- Create a VDA non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

- Mandate, in the State Plan on Aging, that the Department and service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.

Definition of Minority: Virginia does not provide a definition.

Non-Discrimination in State Statutes:

<table>
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<tr>
<th>Virginia Statutes Prohibit Discrimination on the Basis of</th>
<th>Age</th>
<th>Sexual Orientation</th>
<th>Gender Identity or Expression</th>
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<td>Employment[^275]</td>
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<td>Housing[^276]</td>
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<tr>
<td>Public Accommodations[^277]</td>
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<td>Credit[^278]</td>
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</table>

[^275]: VA. CODE ANN. § 2.2-3900.
[^276]: VA. CODE ANN. § 36-96.3.
[^277]: VA. CODE ANN. § 2.2-3900.

[^474]: Id.
[^475]: VA. CODE ANN. § 2.2-3900.
[^476]: VA. CODE ANN. § 36-96.3.
[^477]: VA. CODE ANN. § 2.2-3900.
Washington

Advisory Body:

Composition: The Washington Council on Aging consists of an undefined number of members. The governor appoints one member from each of Washington’s thirteen Area Agencies on Aging (AAA) planning and service areas. The governor also must appoint one member from the Association of Washington Cities and one member from the Washington State Association of Counties. The governor may also appoint up to five at-large members. In selecting the at-large members, the governor must ensure that rural areas, minority populations, and individuals with special skills that could assist the Council are represented. In addition to these members, the speaker of the house and president of the senate each appoint two nonvoting members to the Council, each appointing one member from the two largest political caucuses. All members of the Council except for the Association members must be age fifty-five or older.  

Scope of Authority: The Council advises the governor, Secretary of DSHS, and the administration on all matters pertaining to policies, programs and services, with a special concern for the low-income and frail elderly; creates public awareness of the special needs and potentialities of older people; provides for self-advocacy by older citizens through sponsorship of training, legislative and other conferences, workshops and other such methods; and must remain currently informed of the needs of older persons by maintaining relationships with organizations involved in general senior interests.  

Administration:

Agency Responsible for Services: The Washington Aging and Disability Services Administration (ADSA), housed within the Department of Social and Health Services, is responsible for the provision of services to older Washingtonians.

Services Provided: The ADSA oversees Washington’s thirteen AAAs. The AAAs provide services and community education programs directly and through contractors. Services and programs include nutrition services, transportation services, National Family Caregiver Support, elder abuse prevention, in-home services for the frail elderly, disease prevention and health promotion, legal assistance, long term care ombudsman, community based services, and senior community services employment.
Funding:

**Funding Sources:** Washington primarily funds its services through Older Americans Act (OAA) funds, but it also makes use of various federal and state funds including the USDA Senior Farmer’s Market Nutrition Program, the Alzheimer’s Disease Demonstration Grant, and the Washington Senior Citizen Services Act.

**Funding Formula:** Washington provides $175,000 as a base allotment to all AAAs with 10,000 or more persons 60 years and older within their service areas and $43,750 to all AAAs with fewer than 10,000 persons 60 years and older. An additional allotment of $10,000 is made to all multi-county AAAs except the Indian Nations AAA. The remainder of Washington’s OAA funds are distributed to the AAAs in accord with the following formula:

- Twenty-five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Thirty percent of funds are awarded based upon a district’s proportion of the state’s population who are age sixty and over who are at or below 100% of the poverty level;
- Five percent of funds are awarded based upon a district’s proportion of the state population age sixty and over and who have limited English proficiency;
- Eighteen percent of funds are awarded based upon a district’s proportion of the state population age sixty and older who need assistance with activities of daily living;
- Twelve percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities; and,
- Ten percent of funds are awarded based upon a district’s proportion of Washington’s land area measured in square miles.\(^{482}\)

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** The Washington Code defines a ‘vulnerable elder’ as “Any adult 60 years or older who cannot take care of him or herself.”\(^{483}\)

**Definition of Greatest Economic Need:** Washington does not provide a definition.

\(^{482}\) Id.

\(^{483}\) WASH. REV. CODE § 74.34.
Definition of Greatest Social Need: Washington does not provide a definition.

Definition of Minority: Washington does not provide a definition.

Non-Discrimination in State Statutes:

<table>
<thead>
<tr>
<th></th>
<th>Washington Statutes Prohibit Discrimination on the Basis of</th>
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<tbody>
<tr>
<td>Age</td>
<td>Employment: Yes, Housing: No, Public Accommodations: No, Credit: No, Education: Yes, Insurance: Yes</td>
</tr>
<tr>
<td>Gender Identity or Expression</td>
<td>Employment: Yes, Housing: Yes, Public Accommodations: Yes, Credit: Yes, Education: Yes, Insurance: Yes</td>
</tr>
</tbody>
</table>

Departmental Non-Discrimination Provisions or Policies:

The ADSA prohibits discrimination on the bases of age, sexual orientation, and people with HIV or AIDS. The following practices are forbidden: denial of services or benefits, denial of financial aid, providing access which doesn’t afford equal participation or benefit to that provided to others, providing assistance to agencies, organizations, or persons that discriminate, refusing to hire or promote, denying of the opportunity to act as a consultant or volunteer, or serve on committees and boards, and harassing acts or comments or displaying or distributing derogatory materials. This policy applies to DSHS services, DSHS employment, the AAAs, and AAA subcontractors.

Recommendation:

Expand non-discrimination statutes to include protection on the basis of age in the areas of housing, public accommodations, credit, education, and insurance.

484 WASH. REV. CODE § 49.60.040. Note-employers may establish a reasonable maximum age limit for position of employment which require extraordinary physical effort.
485 WASH. REV. CODE (ARCW) § 49.60.030.
486 WASH. REV. CODE (ARCW) § 49.60.030.
487 “Public accommodation” is defined to include places (licensed or unlicensed) where charges are made for admission, service, occupancy, or use of any property or facilities, for entertainment, housing, accommodation of those seeking health, recreation or rest, for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation, or where food or beverages of any kind are sold for consumption on the premises, or where recreation is offered with or without charge, or where medical service or care is made available, or where the public gathers, or schools of special instruction, or any public library or educational institution provided it isn’t a bona fide private club. Rev. Code Wash. (ARCW) § 49.60.040.
488 Although not explicitly stated, it is possible that since state non-discrimination law defines sexual orientation to include gender identity or expression, people may be protected on the basis of their gender identity or expression by this policy. Washington State Plan on Aging, available at http://www.aasa.dshs.wa.gov/professional/documents/state_plan_on_aging.pdf.
West Virginia

Advisory Body:

Composition: The West Virginia Council on Aging is comprised of fifteen members. Five of the members are government officials serving in an ex-officio capacity and ten members are citizens appointed by the governor. Of the governor’s appointees, no more than five of the citizen members can belong to the same political party and no more than six members can be of the same gender. The members must be selected in a manner to provide balanced geographical distribution.489

Scope of Authority: The Council serves to advise state government on aging policy and issues of concern to older West Virginians.

Administration:

Agency Responsible for Services: The West Virginia Bureau of Senior Services (BSS) is the state agency responsible for the provision of services to older West Virginians.

Services Provided: The BSS oversees West Virginia’s four Area Agencies on Aging (AAA). The AAAs contract through service providers to provide services and community education programs to older West Virginians. Services and programs include nutrition services, transportation, in-home services, Medicaid in-home programs, state-funded in-home services targeted to the frail elderly, employment training program for people aged 55+ who have limited income, and the Golden Mountaineer Discount Card program.490

Funding:

Funding Sources: West Virginia funds its services through Older Americans Act (OAA) funds and through various other sources, including the Robert Wood Johnson Foundation Grant, West Virginia lottery funds, and the Alzheimer’s Disease Demonstration Grant.491

489 W. VA. CODE § 16-5P-7.
Our Maturing Movement

**Funding Formula:** West Virginia’s OAA funds are distributed to the Area Agencies on Aging in accord with the following formula:

- Eighty percent of funds are awarded based upon a district’s proportion of the state population age sixty and over;
- Ten percent of funds are awarded based upon a district’s proportion of the state’s population who are age sixty-five and over who are below the poverty level; and,
- Ten percent of funds are awarded based upon a district’s proportion of the state population age sixty and over who are minorities.492

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** West Virginia does not provide a definition.

**Definition of Greatest Economic Need:** West Virginia does not provide a definition.

**Definition of Greatest Social Need:** West Virginia does not provide a definition.

**Definition of Minority:** West Virginia does not provide a definition.

**Non-Discrimination in State Statutes:**

<table>
<thead>
<tr>
<th>Employment 493</th>
<th>Age</th>
<th>Sexual Orientation</th>
<th>Gender Identity or Expression</th>
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<td>X</td>
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| Housing        |     |                    | X                            |

| Public Accommodations 494 |     |                    | X                            |

| Credit |     |                    | X                            |

| Education |     |                    | X                            |

| Insurance 495 |     |                    | X                            |

492 Id.
494 Id. Public accommodation is defined as: “any establishment or person, as defined herein, including the state, or any political or civil subdivision thereof, which offers its services, goods, facilities or accommodations to the general public, but shall not include any accommodations which are in their nature private.”
495 W. VA. CODE § 33-25A-14a.
Departmental Non-Discrimination Provisions or Policies:

Licensees for assisted living residences under the WV Division of Health cannot discriminate against residents or prospective residents on the bases of age or sexual orientation.496 Residents in residential care communities have the right to be free from discriminatory practices related to admission or services on the grounds of age or sexual orientation. 497

Recommendations:

• Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

• Amend non-discrimination statutes to include protections on the basis of age in housing, credit, and education.

• Create a BSS non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.

• Create a BSS non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

• Mandate, in the State Plan on Aging, that the Department and service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.

496 W. VA. CSR §64-14-5.
497 W. VA. CSR §64-75-6.
Wisconsin

Advisory Body:

Wisconsin does not have an advisory council on aging. However, each of Wisconsin’s Area Agencies on Aging (AAA) has an advisory council as mandated by the Older Americans Act (OAA).

Administration:

Agency Responsible for Services: The Wisconsin Bureau of Aging and Long-Term Care Resources (BALTCR), within the Department of health services, is responsible for the provision of services to older people.

Services Provided: BALTCR oversees Wisconsin’s three AAAs. The AAAs, in concert with county level aging units called Aging and Disability Resource Centers, provide services and community education programs for older people. Services and programs include nutrition services, transportation services, National Family Caregiver Support, home- and community-based long-term care services, elder abuse prevention, disease prevention and health promotion, legal assistance, and the Long-Term Care Ombudsman Program.498

Funding:

Funding Sources: Wisconsin funds its services for older people primarily through OAA funds. Wisconsin also utilizes various other state and federal funds, including the National Council on Aging Grant and the National Family Caregiver Support Program.499

Funding Formulas: For plan administration, Wisconsin allocates a base amount of $75,000 to each AAA. The remainder of its funds for plan administration, totaling no more than 5% of Title III funds are, distributed in accord with the following formula:

- Forty percent of funds are awarded based upon a district’s proportion of the state low-income population age sixty and over;
- Fifty percent of funds are awarded based upon a district’s proportion of counties serviced by the AAA; and,
- Ten percent of funds are awarded based upon a district’s proportion of the state racial or ethnic minority population age sixty and over.500

499 Id.
500 Id.
For Title III B (Supportive Services), Title III C2 (Home-Delivered Meals), and Title III E (Family Caregiver Support Services), Wisconsin provides each county with a base allocation of $19,009. The remainder of funds are distributed using the factors and weights that follow:

- Forty-five percent of the funds are distributed based upon a county’s proportion of the state’s population aged 60 and over;
- Forty percent of the funds are distributed based upon a county’s proportion of the state’s population aged 60 and over with income below 125% of the poverty level;
- Ten percent of the funds are distributed based upon a county’s proportion of the state’s population aged 75 and over; and
- Five percent of the funds are distributed based upon a county’s proportion of the state’s minority population aged 60 and over. 501

Title III C1 (Congregate Nutrition) and Title III D (Disease Prevention and Health Promotion Services) are distributed using the factors and weights that follow:

- Ninety percent of the funds are distributed based upon a county’s proportion of the state’s population age sixty and over with incomes below 125 % of the poverty level;
- Five percent of the funds are distributed based upon the county’s proportion of the state’s minority population age sixty and over; and,
- Five percent of the funds are distributed based upon a county’s proportion of the state’s rural population. 502

**Funding-Related Definitions:**

**Definition of Vulnerable Elder or Population:** Wisconsin does not provide a definition.

**Definition of Greatest Economic Need:** Wisconsin does not provide a definition.

**Definition of Greatest Social Need:** Wisconsin does not provide a definition.

**Definition of Minority:** Wisconsin does not provide a definition.
Non-Discrimination in State Statutes:

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Contracts between the State, represented by its Division of Disability and Elder Services of the Department of Health and Family Services and grantees for Aging and Disability Resource Center Expansion grants contain a non-discrimination policy that covers both age and sexual orientation (which is not defined) in the participation in and denial of benefits. This covers eligibility for and access to service delivery and treatment in all programs and activities.

**Recommendations:**

- Amend non-discrimination statutes to include protections on the basis of age in education, public accommodations, and insurance.
- Amend non-discrimination statutes to include protections on the basis of sexual orientation in credit and insurance.
- Amend non-discrimination statutes to include protections on the basis of gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.
- Create a BALTCR non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.
- Create a BALTCR non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

504 WIS. STAT. ANN. § 106.50 (2008).
505 Public Accommodations is defined to include places of business, nursing homes, clinics, hospitals, and “any place where accommodations, amusement, goods or services are available either free or for a consideration,” excluding bona fide private, nonprofit organizations or institutions that are open only to members and/or guests of members. WIS. Stat. § 106.62 (2008).
506 Applies to university education only. WIS. STAT. ANN. § 36.12 (2008).
507 “No person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of that persons...sexual orientation.” WIS. STAT. ANN. § 118.13 (2008).
• Mandate, in the State Plan on Aging, that the Department and service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.
Wyoming

Advisory Body:

**Composition:** The Wyoming Advisory Council on Aging is comprised of ten members. One member must be appointed from each of the state’s appointment districts. In addition, one member must be appointed each from the Wyoming Pioneer Home, the Wyoming Retirement Center and the Veterans’ Home of Wyoming. All appointments are made by the Director of the Wyoming Department of Health.509

**Scope of Authority:** The Council serves as an advisory body to state government on all issues concerning aging and aging policy.

**Administration:**

**Agency Responsible for Services:** The Wyoming Aging Division (WAD), a subdivision of the Wyoming Department of Health, is responsible for the provision of services to older people.

**Services Provided:** The WAD oversees all aging services in Wyoming. Wyoming does not have any Area Agencies on Aging and is organized as a single planning and service area. The Division is not a direct service provider, but rather provides grants to local providers for the provision of services to clients. Services and programs include nutrition services, transportation services, National Family Caregiver Support, elder abuse prevention, in-home services, disease prevention and health promotion, legal assistance, and the Long-Term Care Ombudsman Program.510

**Funding:**

**Funding Sources:** Wyoming funds its services primarily through OAA funds. It also makes use of various other state and federal funds.

**Funding Formula:** Because Wyoming is organized as a single planning and service area, there is not an intrastate funding formula. Factors that WAD considers in funding programs offered by contractors are available in the State Plan on Aging.

Funding-Related Definitions:

**Definition of Vulnerable Elder or Population:** Wyoming does not provide a definition.

**Definition of Greatest Economic Need:** Wyoming does not provide a definition.

**Definition of Greatest Social Need:** Wyoming does not provide a definition.

**Definition of Minority:** Wyoming does not provide a definition.

### Non-Discrimination in State Statutes:

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*Wyoming Statutes Prohibit Discrimination on the Basis of*

**Departmental Non-Discrimination Provisions or Policies:**

The WAD does not have a non-discrimination policy.

**Recommendations:**

- Amend non-discrimination statutes to include protections on the bases of sexual orientation and gender identity or expression in employment, housing, public accommodations, credit, education, and insurance.

- Amend non-discrimination statutes to include protections on the basis of age in housing, public accommodations, credit, education, and insurance.

- Create a WAD non-discrimination policy that includes protections on the bases of age, sexual orientation, and gender identity or expression in the provision of services to older people.
• Create a WAD non-discrimination policy that prohibits contractors from discriminating on the bases of age, sexual orientation, and gender identity or expression.

Mandate, in the State Plan on Aging, that the Department and service providers must be sensitive to the needs of lesbian, gay, bisexual, and transgender older people.