What Does the OAA Regulatory Update Mean for LGBTQ+ People and People Living with HIV?

In This Fact Sheet

What’s in the Regs

For the first time since 1988, the Administration for Community Living (ACL) - our federal department of aging and disability - has released a regulatory update for the Older Americans Act (OAA) - our nation’s primary law governing the organization and delivery of social and nutrition programs for older people. The complete final rule can be found here.

Need a refresher on the OAA? Check out our backgrounder here.

Quick Facts: What’s in the Regs?

- The headline is that ACL has defined LGBTQ+ older people and older people living with HIV as populations of greatest social need. (Federal Register / Vol. 89, no. 31 / Rules and Regulations. Page 11657)
- Bolstering the OAA Reauthorization of 2020, ACL explains how state and local aging agencies are required to perform outreach to LGBTQ+ older people and collect data on their needs (Federal Register / Vol. 89, no. 31 / Page 11647)
- When a state assesses its local needs, every greatest social need population must be given due consideration, including LGBTQ+ older people and those living with HIV. (Webinar: ACL Finalizes Updated Older Americans Act Regulations)
- State and area plans must include how they will reach populations they have defined as having the greatest social need. (Federal Register / Vol. 89, no. 31 / Pages 11666, 11668, 11669, 11671)
- Service providers must specify how they will satisfy the service needs of those identified as in the greatest economic need and greatest social need. (Federal Register / Vol. 89, no. 31 / Page 11674)
- Agencies are encouraged to appoint advisory council members representing those identified having the greatest economic or greatest social need. (Federal Register / Vol. 89, no. 31 / Page 11604)
- Changes regarding LGBTQ+ older people and those living with HIV can be found in the Final Rule at § 1321.3 (defining “Greatest social need”), § 1321.11 (Advocacy responsibilities), § 1321.27 (Content of State plan), § 1321.61 (Advocacy responsibilities of the area agency), § 1321.65 (Submission of an area plan and plan amendments to the State agency for approval), § 1321.75 (Confidentiality and disclosure of information), and § 1321.93 (Legal assistance). (Federal Register / Vol. 89, no. 31 / Page 11570)
- The new regulations took effect on March 15, 2024. Regulated entities have until October 1, 2025 to comply.
Making the Case for LGBTQ+ and HIV Inclusion: Talking Points

- Note that LGBTQ+ older people and older people living with HIV are in every state, city, and county in this country. (AARP, Maintaining Dignity, 2018)
- For those agencies that have not been reaching out to LGBTQI+ communities, ACL expects any additional cost to conduct outreach to LGBTQ+ communities to be minimal as processes should already be in place to reach out to underserved populations. (Federal Register / Vol. 89, no. 31 / Wednesday, February 14th, 2024 / Rules and Regulations, Page 11648)
- The regulations are ACL’s interpretation of the law. As states implement the OAA, they should look to ACL’s interpretation of the law, including 42 USC §3026 Area Plans and §3027 State Plans.
- Serving people who have the greatest economic and greatest social need is one of the basic tenets of the OAA. (Webinar: ACL Finalizes Updated Older Americans Act Regulations)
- Over half of people with HIV in U.S. are over the age of 50; By 2030, 70% of people living with HIV in the U.S. will be over the age of 50. (HIV by Age | HIV by Group | HIV/AIDS | CDC)

What does this mean for community organizations?

While these regulatory updates do not guarantee a direct line to funding, they open the door to SUAs and AAAs partnering with more LGBTQ+ organizations and ASOs and give LGBTQ+ organizations and ASOs powerful tools to make the case to fund them. It’s important for you to build these relationships and to demonstrate that you can be a resource to help SUAs and AAA do this work better. And then, perhaps, these relationships could lead to additional funding for both reaching LGBTQ+ older people and older people living with HIV, and providing them with inclusive services and supports.

Helpful Links and Resources

- Overview of new regulations from ACL: www.acl.gov/oaarule
- Becoming a local LGBTQ+ aging advocate: Local Community Advocacy: Advocating for the Needs of LGBT Older Adults Receiving Aging Services
- About Area Agencies on Aging: Area Agencies on Aging: Local Leaders in Aging Well at Home
- Finding members of your local aging network: https://eldercare.acl.gov/
- About OAA plan requirements: Making Your Area Plan on Aging LGBTQ+ and HIV Inclusive: Older Americans Act Requirements and ACL Guidelines
How to Get Started in This Work

ACL will provide resources and technical assistance to support the aging network in meeting the new regulations' requirements. Advocates, however, can play an important role in helping the aging network be more supportive of LGBTQ+ older people and older people living with HIV:

- Connect your local aging providers with [SAGECare credentialling program](#) and other cultural competency training programs;

- Connect local long-term care facilities with the [Long-Term Care Equality Index (LEI)](#);

- Contact your [Long-Term Care Ombudsman Program](#) (LTCOP) to volunteer as an ombudsman (public advocate for people in long-term care);

- Contact your [local Area Agency on Aging (AAA) or State Unit on Aging](#) to…
  - Provide suggestions on how services and programs can be improved for LGBTQ+ older people and older people living with HIV during public hearings hosted by State Units on Aging and AAAs each fiscal year as they develop new plans on aging;
  - Partner with LGBTQ+ community organizations and AIDS services organizations to assist the Aging Network with outreach to LGBTQ+ older people and older people living with HIV through co-hosted programming and joint-volunteer opportunities;
  - Get involved with your local [Aging Advisory Council](#) (who are required to have representatives for LGBTQ+ older people on their council).

- Explore aging-related volunteer opportunities through [AARP’s Age-Friendly Communities](#) or community-led initiatives.

**CONTACT US!**
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**VISIT**
www.lgbtagingcenter.org for more resources