

Tennessee Commission on Aging

June 1999

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June 28, 1999

The Honorable John S. Wilder
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The Honorable Kenneth N. (Pete) Springer, Chair
Senate Committee on Government Operations
The Honorable Mike Kernell, Chair
House Committee on Government Operations
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the performance audit of the Tennessee Commission on Aging. This audit was conducted pursuant to the requirements of Section 4-29-111, *Tennessee Code Annotated*, the Tennessee Governmental Entity Review Law.

This report is intended to aid the Joint Government Operations Committee in its review to determine whether the commission should be continued, restructured, or terminated.

Sincerely,

John G. Morgan
Comptroller of the Treasury

JGM/dlj
98/084

State of Tennessee

Audit Highlights

Comptroller of the Treasury

Division of State Audit

Performance Audit
Tennessee Commission on Aging
June 1999

AUDIT OBJECTIVES

The objectives of the audit were to review the commission's legislative mandates and the extent to which the commission has carried out those mandates efficiently and effectively, and to make recommendations that might result in more efficient and effective operation of the Commission.

FINDINGS

The Commission Did Not Follow Up with Area Agencies on Aging to Ensure They Had Implemented Assessment Recommendations

The commission does not track its recommendations to see that they are implemented and that problems are corrected. It does not always require agencies to provide corrective action plans or to report on their progress in correcting problems. The most recent federal audit of the commission by the Administration on Aging (1994) recommended that the commission develop a procedure to ensure that corrective action is taken on audit findings and recommendations for all area agencies on aging (page 8).

The Commission Did Not Conduct Any Research or Special Studies Prior to Fiscal Year 1999

One of the commission's primary purposes, according to *Tennessee Code Annotated*, Section 71-2-102, is to conduct studies and research into the needs and problems of the aging. However, except for a recent report on long-term care released in November 1998, the commission has not produced any type of research report. The lack of research deprives the General Assembly and the Governor's Office of reliable information to use in developing laws to help the elderly in Tennessee (page 9).

Commission Members and Volunteer Ombudsman Representatives Did Not Always Complete Conflict-of-Interest Forms

State law does not require commission members to fill out conflict-of-interest disclosure forms; however, initial and periodic disclosure of personal, professional, and financial interests could alert the commission to potential conflicts that need to be discussed and resolved. The commission's policies require volunteer ombudsman representatives (VORs) to fill out a conflict-

of-interest disclosure form and to have the form placed in their files at the district ombudsman's office. However, the review of Area Agency on Aging assessment reports indicated that some of the VORs did not have a signed conflict of interest disclosure form on file (page 12).

OBSERVATIONS AND COMMENTS

The audit also discusses the failure of some area agencies on aging to meet targeting goals (page 6).

"Audit Highlights" is a summary of the audit report. To obtain the complete audit report which contains all findings, recommendations, and management comments, please contact

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Performance Audit Tennessee Commission on Aging

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Performance Audit Tennessee Commission on Aging

INTRODUCTION

PURPOSE AND AUTHORITY FOR THE AUDIT

This performance audit of the Tennessee Commission on Aging was conducted pursuant to the Tennessee Governmental Entity Review Law, *Tennessee Code Annotated*, Title 4, Chapter 29. Under Section 4-29-221, the commission is scheduled to terminate June 30, 2000. The Comptroller of the Treasury is authorized under *Tennessee Code Annotated*, Section 4-29-111, to conduct a limited program review audit of the commission and to report to the Joint Government Operations Committee. The audit is intended to aid the committee in determining whether the commission should be continued, restructured, or terminated.

OBJECTIVES OF THE AUDIT

The objectives of the audit were

1. to determine the authority and responsibility mandated to the commission by the General Assembly;
2. to determine the extent to which the commission has met its legislative mandate;
3. to evaluate the efficiency and effectiveness of the commission's activities and programs; and
4. to develop possible alternatives for legislative or administrative action that could result in more efficient and effective operation of the commission.

SCOPE AND METHODOLOGY OF THE AUDIT

The commission's activities and procedures were reviewed through October 1998. The audit was conducted in accordance with generally accepted government auditing standards and included

1. interviews with commission staff and members, area agency on aging staff, district long-term care ombudsmen, and Department of Human Services staff;

2. review of applicable state law, rules and regulations, commission policies and procedures, and the Older Americans Act of 1965 as amended; and
3. review of the commission's meeting minutes, files, and records, and the 1994 Administration on Aging audit of the commission.

ORGANIZATION AND STATUTORY DUTIES

Purpose of the Commission

The legislature created the Tennessee Commission on Aging in 1963. The most current authorizing legislation is codified as *Tennessee Code Annotated*, Section 71-2-101 et seq. The purpose of the commission is to provide a comprehensive and coordinated service system for the state's aging population, giving high priority to people in greatest need and to conduct studies and research into the needs and problems of the aging. The Commission on Aging, as the designated state agency on aging, is mandated under the Older Americans Act to provide leadership on all aging issues on behalf of older persons in the state and is the focal point for aging in state government.

Under Section 71-2-105, *Tennessee Code Annotated*, the powers and duties of the commission are as follows:

- Meet quarterly to transact necessary business.
- Promulgate bylaws and rules.
- Allocate funds for projects and programs for older persons, subject to the limits of the appropriation by the General Assembly and funds available or received from the federal government for such projects and programs.
- Serve as an advocate within government and in the community for older persons in Tennessee.
- Designate planning and service areas and area agencies on aging in accordance with the Older Americans Act and federal regulations.
- Hold hearings, conduct research and other appropriate activities to determine the needs of older persons in the state, including particularly, but not limited to, their needs for health and social services, and to determine the existing services and facilities, private and public, available to older persons to meet those needs.
- Develop and conduct, alone or in coordination with other agencies, research and demonstration, projects and programs that provide training, education, and services to advance the interests of older persons.

The commission carries out a wide range of functions related to advocacy, planning, coordination, interagency linkages, information sharing, brokering, monitoring, and evaluation. These activities are designed to lead to the development or enhancement of comprehensive and coordinated community-based systems serving communities throughout the state. The commission also administers state funds providing multipurpose senior center programs, public guardianship, and homemaker services. The commission serves as a clearinghouse for information on the needs and characteristics of the aged, maintains a specialized resource library including a collection of films and videotaped material, and responds to requests for information.

The commission works with the federal Administration on Aging and state and private agencies to coordinate services provided with Older Americans Act funds. State agencies include the Tennessee Housing Development Agency and the state Departments of Labor, Transportation, Education, and Commerce and Insurance. Private agencies include the Tennessee Medical Association, the American Association of Retired Persons, and the Tennessee Federation on Aging. Cooperative efforts with these agencies include joint planning, inter-agency agreements, and joint sponsorship of training events. The commission also works with other agencies to help recruit and train volunteers.

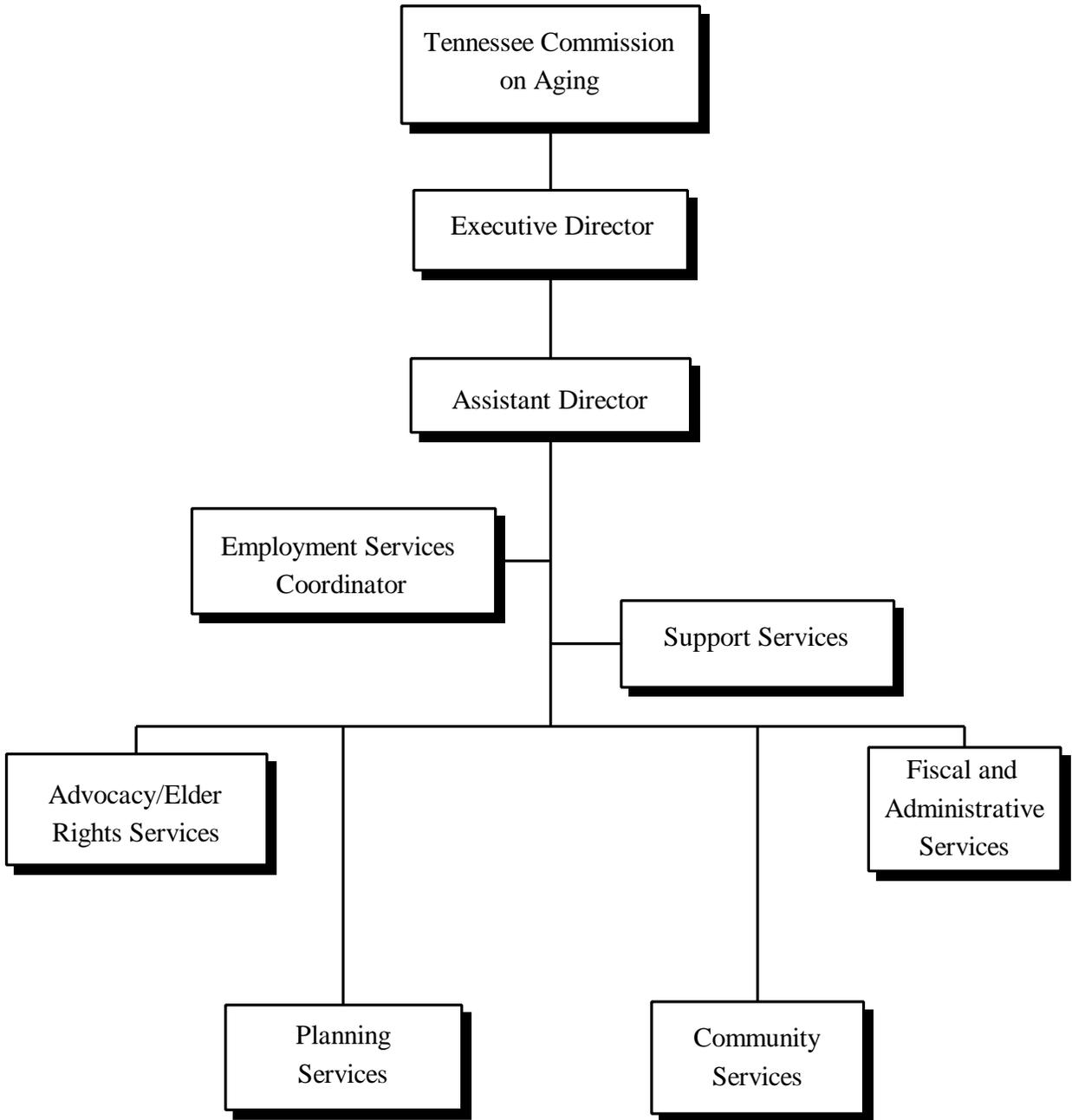
For the fiscal year ending June 30, 1998, the commission received \$3.6 million in state appropriations and \$19.8 million in federal funds and had total expenditures of \$23.3 million.

Commission Membership and Staff

The commission is a 24-member policy formation and decision-making board including 22 members appointed by the Governor and two nonvoting representatives from the General Assembly. The Commissioners of the Departments of Health, Mental Health and Mental Retardation, Human Services, and Veterans' Affairs serve on the commission as a part of the 22 members appointed by the Governor. The Speaker of the Senate and Speaker of the House of Representatives appoint one legislator each. Terms are for six years except for members of the Governor's cabinet and the General Assembly. Section 71-2-104, *Tennessee Code Annotated*, states that "it is desirable that the commission membership include minorities and women at least in proportion to their presence in the state's population and that at least one half of the membership be sixty years of age or older."

The commission employees consist of an executive director and 23 staff. It has six sections: employment services, support services, advocacy/elderly rights, fiscal and administrative services, planning services, and community services. See organization chart on next page.

**TENNESSEE COMMISSION ON AGING
ORGANIZATION CHART**



Area Agencies on Aging

The 1973 amendments to the Older Americans Act created area agencies on aging and charged them with the task of establishing, at the regional level, a system of coordinated and comprehensive services. Pursuant to the requirements of the act, the Tennessee Commission on Aging designated an area agency on aging in each of the state's nine planning and service areas. Seven area agencies on aging are located in regional development district agencies, one is located in a human resource agency, and one is a regional commission on aging composed of local officials. Each of the nine area agencies on aging is the principal agent of the commission for carrying out the mandates of the Older Americans Act and the requirements of the state agency. They serve as the focal point for all issues concerning the welfare of older persons in their respective planning and service areas. The agencies perform a wide range of activities related to advocacy, planning, coordination, monitoring, and evaluation. These activities lead to the development or enhancement of comprehensive and coordinated community-based systems, which serve all communities of the planning and service area.

Each year every area agency on aging is supposed to submit an "Area Plan for Programs on Aging," or an annual update, to the commission for approval. (The plans are due in March and the updates are due in April.) An area plan provides a comprehensive description of services to be provided within the area through contracts with local service providers. Services are funded under the Older Americans Act, state appropriations, and local resources. Programs provided include transportation, information and assistance, outreach, homemaker and home health, senior citizens centers, congregate and home-delivered meals, legal assistance, ombudsman, and public guardianship services. Area agencies on aging, depending on local needs and resources, may fund other services. Service priority is for frail, homebound, or isolated elderly and those with low income. Special attention is given to ensure that services provided throughout each planning and service area meet the needs of individuals who are low-income minorities.

Service Providers

Older Americans Act services are provided in Tennessee by public and private nonprofit agencies under contract with the nine area agencies on aging. Service providers include human resource agencies, community action agencies, county and city governments, churches, interfaith associations, legal service agencies, housing authorities, senior centers, general-purpose social service agencies, and specialized agencies organized to provide services for the aged.

These various agencies participate in the development of the comprehensive and coordinated network of services for older persons and do not just provide a single service. Service providers must specify:

- how they will satisfy the service needs of low-income minority individuals;
- how they will assist elderly clients by bringing conditions or circumstances that place elderly individuals or households in imminent danger to the attention of the proper officials for follow up;
- how they will help older individuals take advantage of other services; and

- how they will ensure that all services funded under the Older Americans Act are coordinated with other appropriate services and are not unnecessarily duplicative.

In addition, they are required to prepare timely reports and statistics, to make arrangements for the availability of services in weather-related emergencies where feasible, and to provide participants the opportunity to contribute to the cost of services. Providers take part in the planning process at both the local and state level. They also strengthen aging services by securing funding from other sources such as the Department of Human Services and the Department of Mental Health and Mental Retardation.

OBSERVATIONS AND COMMENTS

The issue discussed below did not warrant a finding but is included in this report because of its effect or potential effect on the operations of the Tennessee Commission on Aging and on the citizens of Tennessee.

SOME AREA AGENCIES ON AGING FAILED TO MEET TARGETING GOALS

The Older Americans Act, Section 306(a)(5)(A)(i), requires area agencies on aging to provide assurances that the agency will set specific objectives for providing services to older individuals with the greatest economic and social need, include specific objectives for providing services to low-income minority individuals, and include proposed methods of carrying out the preference in the area plan.

The audit reviewed each area agency on aging's annual assessment report for fiscal years 1995 through 1997. (The commission's reviews were conducted from 1995 through 1998.) During this period, the commission made 68 recommendations concerning targeting and outreach in the program areas of contract compliance, nutrition, legal assistance, long-term care ombudsman, and public guardianship.

Contract Compliance. In the area of contract compliance, the commission's most common recommendations were that area agencies on aging should conduct an annual evaluation concerning the effectiveness of outreach of all service providers (required in Section 306 of the Older Americans Act) and that the agencies needed to place more emphasis on targeting low-income minority, rural, and frail/disabled elderly citizens.

The commission made 11 recommendations that area agencies increase the number of individuals participating in the congregate meal program. These agencies' nutrition service providers did not have a minimum of 20 participants at each of the congregate meal sites. In some cases, the agencies were told either to request a waiver from the commission or to increase efforts to locate more people interested in the congregate meal program.

Legal Assistance. The Legal Assistance Program offers legal advice, counseling, education, and representation to older Tennesseans. Services provided by this program can range from brief referrals to presentation of complex cases before the state Supreme Court. The state coordinator of the Legal Assistance Program stated that overall, the service providers were doing a very good job targeting the individuals specified in the Older Americans Act. However, the commission often recommended that Legal Assistance Program service providers continue efforts to target more low-income minority, rural, and frail/disabled elderly citizens and attempt to serve citizens in all of the counties in the planning and service area. According to the state coordinator, the number of cases closed by the service provider (one of the commission's performance measures) is not a true indication of targeting and outreach because some of the people who receive information choose not to use the services provided. Service providers are encouraged to document educational activities in the rural and low-income minority communities or counties so that a true picture of targeting and outreach efforts can be assessed.

Public Guardianship. The Public Guardianship Program is available to individuals 60 years or older who are unable to manage essential aspects of their financial resources because of physical and/or mental limitations. These individuals also do not have any family members, friends, banks, or corporations willing and able to act on their behalf. The most frequent targeting recommendation for the Public Guardianship Program was to increase public education efforts in order to have clients in all the counties in the planning and service area. The state coordinator stated that the Public Guardianship Program is different from other programs in that the conservator may not go out and recruit or petition for clients. Judges must appoint the program to act on the behalf of individuals. The coordinator stated that the program intends to use more educational activities to increase public awareness so that more judges will become receptive to assigning individuals to the Public Guardianship Program.

Long-Term Care Ombudsman. The Long-Term Care Ombudsman Program received eight recommendations concerning targeting low-income, minority, rural, and frail/disabled elderly citizens. The commission recommended that district ombudsmen visit nursing homes and other facilities for the elderly in their planning and service area annually. The State Long-Term Care Ombudsman stated that the district ombudsman's priority is to handle complaints and ensure individuals are safe, comfortable, and secure. Although visitation of nursing homes and facilities becomes a lower priority compared to handling complaints, the State Ombudsman believes the visits need to be made.

Summary. The Executive Director indicated that targeting goals are very difficult to meet. The services provided under the Older Americans Act are available for anyone over 60 years of age but the service providers are supposed to target low-income minority, rural, and frail/disabled individuals. In the past, the commission apparently made recommendations in the area agency on aging annual assessment reports but did not take any further action to assist the agencies or service providers in improving outreach efforts. A review of area agencies on aging files indicates that the Executive Director is making more specific recommendations concerning how each area agency on aging and service provider might improve the overall outreach to low-income minority, rural, and frail/disabled individuals. The Executive Director also indicated the commission was

requiring more documentation concerning the service provider's efforts to target the elderly population and planned to require area agencies on aging to determine why the service providers were having problems meeting targeting goals and to help the service providers develop solutions.

FINDINGS AND RECOMMENDATIONS

1. The commission did not follow up with area agencies on aging to ensure they had implemented assessment recommendations

Finding

The commission does not monitor the area agencies to ensure they implement the commission's assessment recommendations. One of the most common recommendations is that area agencies complete their annual assessments of service providers. Area agencies on aging are required by the Older Americans Act Section 306 (a)(6) to conduct periodic evaluations of activities carried out under the area plan and an annual evaluation of the effectiveness of outreach to specific target groups. Annual evaluations allow staff to identify problems and resolve them before contracts are renewed.

The commission found in its reviews conducted in 1995 through 1998 that four of the nine area agencies had problems completing annual assessments of service providers in one or more of the years reviewed. In addition, the area agency on aging files did not contain any documentation that the agencies had completed the assessments by the date specified by the commission. The supervisor of Community Services stated that the commission staff would determine whether the recommendations had been followed at the next annual assessment.

One of the area agencies on aging completed only 18 of the 33 service provider annual assessments for fiscal year 1996. The commission instructed the area agency to complete the assessments by June 30, 1997. In fiscal year 1997, the agency completed 10 of 33 service provider annual assessments, and the commission instructed it to complete all fiscal year 1997 annual assessments by June 30, 1998 (will be checked during the next monitoring visit). The commission also recommended that the area agency on aging complete an on-site evaluation of each service provider before renewing the contract each year.

The commission made 16 other recommendations that agencies were to implement by a specific date. Nine of these recommendations dealt with targeting low-income minority, rural, or frail/disabled individuals in the planning and service areas. The remaining seven recommendations dealt with recruiting volunteers or requiring volunteer ombudsman representatives to sign conflict-of-interest disclosure forms. In only five instances did area agencies respond back to the commission on their progress in implementing the recommendations.

The commission does not track its recommendations to see that they are implemented and that problems are corrected. It does not always require agencies to provide corrective action plans or to report on their progress in correcting problems. Following up before the next annual assessment is important.

The most recent federal audit of the commission by the Administration on Aging (1994) recommended that the commission develop a procedure to ensure that corrective action is taken on audit findings and recommendations for all area agencies on aging. The audit recommended that area agencies be required to submit a corrective action plan to the commission. The Executive Director agreed that the area agencies on aging should send some type of documentation whenever time specific recommendations are made to indicate the problems have been resolved. He said that the commission should develop some type of internal tracking system to monitor date-specific recommendations.

Recommendation

The commission should develop a tracking system to ensure area agencies on aging conduct annual assessments in a timely manner. It should require area agencies to provide corrective action plans with appropriate timetables for completing actions. If area agencies do not complete the corrective action plans the commission should take further action such as withholding administrative funding.

Management's Comment

We concur. Before the Division of State Audit began the performance audit, the Commission on Aging management team identified the monitoring and assessment process as an activity needing re-engineering. Grantees and contractors are now required to submit corrective action plans with a timetable for completing actions for each recommendation contained in the assessment report. Grantees and contractors will be required to submit, on a regular basis, documentation of their efforts to implement assessment recommendations. The commission is developing a tracking system for assessment recommendations.

2. The commission did not conduct any research or special studies prior to fiscal year 1999

Finding

Except for a recent report on long-term care released in November 1998, the commission has not produced any type of research report. One of the commission's primary purposes, according to *Tennessee Code Annotated*, Section 71-2-102, is to conduct studies and research into the needs and problems of the aging. According to state statutes, the commission may hold hearings and conduct research and engage in other appropriate activities to determine the needs of older persons in the state. The commission may also develop and conduct, alone or in

coordination with other agencies, research and demonstration projects to advance the interests of older persons (*Tennessee Code Annotated*, Section 71-2-105).

The recent report on long-term care, *Long-Term Care and Caregiving in Tennessee*, was prepared by the Social Science Research Institute at the University of Tennessee. The report discusses the results and policy implications of a statewide poll on long-term care issues. The commission used the report to prepare its state plan on aging for the federal government.

The commission cited a lack of data as one reason more research had not been conducted. This problem has apparently been resolved with the advent of SAMS (Services Accounting Management System). Since fiscal year 1998, the commission has required all area agencies to use SAMS to record service information required by the federal Administration on Aging. (The system is maintained by the commission.) SAMS contains information on the number of people served; the ethnic, geographic, minority/poverty, and nutritional-risk characteristics of those served, and the personal care needs of those served. The executive director and the supervisor of planning services stated that the information in SAMS would provide the commission a database to determine trends, identify needs, and identify programs that may need to be redesigned or developed by the area agencies and service providers. The commission should be able to use this data as a basis for further research.

The commission's ability to advocate for the needs of the elderly is limited when the commission has not determined the nature and extent of their problems. The lack of research deprives the General Assembly and the Governor's office of reliable information to use in developing laws to help the elderly in Tennessee. The commission should ensure that area agencies send the commission the required information for SAMS.

Recommendation

The commission should prepare research reports to keep citizens, local and state governments, and non-profit funding entities informed concerning the needs of the elderly in Tennessee. The reports should be used to determine how effectively the area agencies and service providers are meeting the needs of the elderly and to identify needs that are not being met. The commission should monitor area agencies to ensure they send the required information for SAMS.

Management's Comment

We concur in part with the finding concerning research. Indeed, the study on *Long-Term Care and Caregiving* was carried out to help policy- and decision-makers examine long-term care and caregiving issues in Tennessee. This study was used in the development of the state long-term care plan. We anticipate that it will be used in the next state plan for aging services. We, in collaboration with the area agencies on aging, also contributed analyses of services and need for long-term care to the state long-term care plan. This report was widely distributed to interested parties involved with examining the need for long-term care.

We may not have emphasized sufficiently other activities related to research. These activities include analyses of services in selected planning and service areas. These analyses show what is available and assist in identifying gaps in the continuum of services and needs of the elderly of the area. Results of this work are found in area plans and are used in various statements of need. They have not been formally published or distributed as studies.

We would like to state that we do make use of available research. Extensive data are available showing the situation and needs of the elderly of Tennessee. We very much depend on data from the U.S. Census. Census information includes disability status and income and poverty status as well as other useful categories. Furthermore, the Administration on Aging has provided us with a special tabulation of census information for each of the nine planning and service areas by urban and rural locality and age. Major topics presented in the tables include: race and Hispanic origin, age, living arrangements, housing, educational attainment, disability, employment, income, sources of income, and poverty. Other data used come from the Center for Health Statistics and from the Tennessee Department of Health (TDH). The TDH publication, *Tennessee's Health: Picture of the Present*, depicts the health status of the older population of Tennessee in sufficient detail to provide health promotion and disease prevention goals by planning and service area.

We agree that many of the studies and analyses carried out by the commission have been largely internal to the aging services network. In the future, we will make the results from this work more public. Actions to be taken to strengthen the commission's involvement in research include on-going activities with the Tennessee Department of Mental Health and Mental Retardation to define the mental health needs of older Tennesseans and the services which are used to meet those needs. In the next planning cycle, we will undertake further studies and research, particularly in the area of long-term care and other issues of strategic planning significance.

We concur with the emphasis placed on the SAMS system and data. We will monitor the implementation of this system by the area agencies on aging. Currently we are working on the quality control of these data. As soon as we are satisfied with the quality of these data, we will make the analyses public. There are two reporting systems in addition to SAMS. Activities of the legal services program are reported electronically, analyzed, and presented annually in a narrative report. The complaint resolution and other activities of the nursing home ombudsman program are summarized annually in a computerized, statistical report.

3. Commission members and volunteer ombudsman representatives did not always complete conflict-of-interest forms

Finding

The commission does not require its members to disclose potential conflicts of interest and does not ensure all volunteer ombudsman representatives have completed disclosure forms. *Tennessee Code Annotated*, Section 71-2-109, states that if any matter before the commission involves a project or relationship in which a member or member's business or agency has a direct or a conflicting interest, the member shall tell the commission of the interest and be excused from the proceedings. Even though state law does not require commission members to fill out conflict-of-interest disclosure forms, requiring initial and periodic disclosure of personal, professional, and financial interests that might conflict with commission responsibilities could alert the commission to potential conflicts which could be discussed and resolved before they have an impact on decisions.

The commission's *Policies and Procedures for Programs on Aging* requires volunteer ombudsman representatives (VORs) to fill out a conflict-of-interest disclosure form and to have the form placed in their files at the district ombudsman's office. However, the review of Area Agency on Aging assessment reports indicated that some of the VORs did not have a signed conflict of interest disclosure form on file at the district ombudsman's office. (Commission staff are required to disclose potential conflicts.)

Recommendation

The commission members should complete a conflict-of-interest disclosure form and have the form on file at the Commission on Aging. The state long-term care ombudsman should redesign the evaluation instrument so that the review of the VOR files is included as a standard procedure to be followed by future evaluators.

Management's Comment

We concur. New procedures have been implemented to ensure that each commission member completes a conflict-of-interest form. The Long-Term Care Ombudsman Program monitoring and assessment instrument has been revised to include a regular review of volunteer personnel folders for completion of conflict-of-interest forms.

RECOMMENDATIONS

ADMINISTRATIVE

The following areas should be addressed to improve the efficiency and effectiveness of the Tennessee Commission on Aging's operations.

1. The commission should develop a tracking system to ensure area agencies on aging conduct annual assessments in a timely manner. It should require area agencies to provide corrective action plans with appropriate timetables for completing actions. If area agencies do not complete the corrective action plans the commission should take further action such as withholding administrative funding.
2. The commission should prepare research reports to keep citizens, local and state governments, and non-profit funding entities informed concerning the needs of the elderly in Tennessee. The reports should be used to determine how effectively the area agencies and service providers are meeting the needs of the elderly and to identify needs that are not being met. The commission should monitor area agencies to ensure they send the required information for the Services Accounting Management System.
3. The commission members should complete a conflict-of-interest disclosure form and have the form on file at the Commission on Aging. The state long-term care ombudsman should redesign the evaluation instrument so that the review of the volunteer ombudsman representatives files is included as a standard procedure to be followed by future evaluators.