

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Department of Senior Services
Rule No. 70-x-1-.05
Rule Title: General Powers and Duties of the Department
_____ New _____ x _____ Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? no

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? yes

Is there another, less restrictive method of regulation available that could adequately protect the public? no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? no

Does the proposed rule have an economic impact? no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Emily T. Mansal

Date July 19, 2018

(DATE FILED)
(STAMP)

(Agency Name)
(Agency Division, if applicable)

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Senior Services

RULE NO. & TITLE: 70-x-1-.05 General Powers and Duties of the Department

INTENDED ACTION: Amendment

SUBSTANCE OF PROPOSED ACTION: This amendment will remove a reference to a previous version of the Older Americans Act and replace it with "as amended."

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama Department of Senior Services, 201 Monroe Street, Suite 350, PO Box 301851, Montgomery Alabama 36130-1851. Agency business hours are 8:00 AM to 5:00 PM Monday through Friday.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written/Oral comments concerning this change must be received by ADSS no later than September 5, 2018.

CONTACT PERSON AT AGENCY: Emily Marsal, General Counsel, Alabama Department of Senior Services, 201 Monroe Street, Suite 350, PO Box 301851, Montgomery, Alabama 36130-1851.



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

70-X-1-.05 General Powers and Duties of Department.

- (1) The Department has authority and responsibility to plan, develop and administer policy on programs for older persons and to provide a visible focal point for advocacy, coordination, priority setting, monitoring and evaluation of programs for older persons within the State. This includes, but is not limited to, responsibilities and requirements of the Older Americans Act of 1965 as amended.
- (2) The Department is responsible for the designation of the Area Agency on Aging for each PSA in accordance with Title III, Section 305 (a) (E) of the Older Americans Act. If the Department initiates an action or proceeding to revoke the designation of an area agency, designate an additional planning and service area, divide the State into different planning and service areas; or otherwise affect the boundaries of the planning and service areas in the state, the affected parties may seek administrative remedies as provided for under these Department rules and the Alabama Administrative Procedure Act.
- (3) The Department will develop, promulgate and revise a uniform format for the area agency's Area Plan.
- (4) The Department will monitor the administration of each Area Plan.
- (5) The Department will coordinate the development of programs and services of Titles III and VII of the Older Americans Act and establish policy and minimum standards.
- (6) The Department will coordinate the administration of the SeniorRx Program.
- (7) The Department will direct and administer other human services related programs as required, including but not limited to the State Health Insurance Assistance Program, the Senior Medicare Patrol (SMP), and the Senior Employment Program.
- (8) The Department will ensure that available U.S. Department of Agriculture food, cash or a combination of food and cash is made available to nutrition service providers funded for the nutrition services program.
- (9) The Department will coordinate the development of legal services for older individuals of the state.

(10) The Department shall establish reporting requirements for all programs for the purpose of acquiring programmatic and fiscal information for Federal and State data and analysis.

(11) Agencies, organizations and individuals affected by actions of the Department in carrying out these duties may seek review in accordance with the Alabama Administrative Procedures Act.

Author: Irene B. Collins, Commissioner

Statutory Authority: Code of Ala. 1975, §§ 38-3-1 to 38-3-9 (Act 2008-39), Code of Ala. 1975, §§ 41-22-1 to 41-22-27, Older Americans Act of 1965, as amended (~~Public Law 109-365~~), 45 C.F.R. § 1321

History: New Rule: Filed June 5, 2009; effective July 10, 2009.
Amended: Filed July 16, 2018.