

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Department of Senior Services
Rule No. 70-x-1-11
Rule Title: Evaluation of Programs
 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. Marsal
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-.11 Evaluation of Programs

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-.11 Evaluation of Programs.

(1) The Department shall monitor the administration of area plans. The Department shall evaluate and monitor the performance of all Department grantees, subgrantees, service providers and contractors to ensure that all projects receiving federal and/or state funds operate effectively and in compliance with the conditions of their grants, subgrants or contracts and within federal and state rules and regulations.

(2) Criteria to be used during formal evaluations or monitoring will be provided to area agencies and Department grantees, subgrantees, service providers or contractors with a minimum 10-day notice. It is the responsibility of the area agency to inform their respective grantees, subgrantees, service providers or contractors of such evaluation.

(3) Termination or suspension of an area plan, withholding funds, or other punitive actions may be taken by the Department if an area agency, grantee, service provider, subgrantee or contractor fails to take action and correct problems specified by the Department as a result of monitoring or evaluation findings.

(4) The Department retains the right to conduct unannounced monitoring or evaluations to service sites or programs.

(5) At least once every two years, the Department will conduct an on-site performance evaluation or monitoring with each area agency or Department grantee, subgrantee, service provider or contractor. During interim years, the Department may conduct a self-assessment review with each area agency or Department grantee, subgrantee, service provider or contractor. Such evaluation, monitoring or self-assessment will be carried out prior to the end of the fiscal year.

(6) In the event that the Department discovers possible fraud, mismanagement, or program abuse during the course of a performance evaluation, assessment or monitoring, the Commissioner of the Department has the option to immediately suspend the program.

Author: Irene B. Collins, Commissioner

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

History: New Rule:

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