

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Alabama Department of Senior Services  
Rule No. 70-x-2-01  
Rule Title: Designation of Area Agencies on Aging  
\_\_\_\_\_ 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

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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.

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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-2-.01 Designation of Area Agencies on Aging

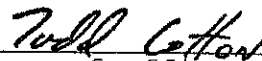
INTENDED ACTION: Amendment

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-2-.01 Designation of Area Agencies on Aging.**

(1) An Area Agency on Aging will be designated in each planning and service area as defined by Section 305 of the Older Americans Act.

(2) Actual designation occurs upon acceptance of the Area Agency's Area Plan and formal execution of the associated contract.

(3) The designated area agency is responsible for administration of Older Americans Act programs in its planning and service area with guidance from the U.S. Administration on Aging and the Department.

(4) The Department shall withdraw an area agency's designation in accordance with Section 305(b)(5)(c) of the Older Americans Act as amended, whenever, after reasonable notice and opportunity for a hearing, it is determined that:

(a) An area agency does not meet the requirements of 45 CFR 1321 and Section 305 and Section 306 of the Older Americans Act as amended; or

(b) An area plan or area plan amendments is not approved by the Department; or

(c) There is substantial failure in provisions or administration of an approved area plan to comply with provisions of the Older Americans Act of 1965, as amended, the applicable federal regulations, state statute, or administrative rule.

(5) If the affected area agency does not concur with the decision of the Commissioner regarding the designation or de-designation of an area agency, the appeal may be considered by and brought before the Administration on Aging for a ruling.

**Author:** Irene B. Collins, Commissioner

**Statutory Authority:** Code of Ala. 1975, §§38-3-8 to 38-3-9, Older Americans Act of 1965, as amended ~~(Public Law 109-365)~~, 45 C.F.R. § 1321

History: Filed May 20, 1992.

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