

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Department of Senior Services
Rule No. 70-x-2-02
Rule Title: Area Agency on Aging Area Plans
 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-2-.02 Area Agency on Aging Area Plans

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.

Todd Cotton

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

70-X-2-.02 Area Agency on Aging Area Plans.

(1) Area Agencies on Aging shall develop a comprehensive and coordinated service delivery system for older individuals and to serve as the advocate and focal point for older persons in the Planning and Service Area. Area agencies shall give special emphasis to Older American Act target groups when addressing service needs.

(2) Area agencies shall prepare and submit area plans for approval by the Department.

(3) The area plan must accurately describe required activities, essential information and include attachments and exhibits as required by the Department's format. The format for the Area Plan will be provided to area agencies by the Department according to Departmental policies.

(4) Prior to submission of the area plan to the Department, the area agency shall provide, at a minimum, one public hearing to provide interested parties the opportunity for review and comment on the area plan. Such hearing or hearings shall be held after reasonable notice and opportunity for comment.

(5) Also required as integral to the Area Plan; is an annual update to the operating element which details annual fiscal information. The format and submission dates of the Annual Update may be revised by the Department for flexibility in annual planning.

(6) Changes to the Area Plan are to be made based on the following:

(a) The plan shall be amended at any time under the circumstances prescribed in Federal regulations.

(b) Amendments to the area plan will be effected by new or revised information submitted by the area agency and having said amendment approved by Department.

(c) Amendments to an approved Area Plan must be approved in writing by the Department, prior to implementation.

(d) Minor revisions and non-substantive changes to the plan as determined by the Department may be made at any time by the area agency in order to keep the plan current. Examples of a minor revision are changes in telephone

numbers and addresses, personnel, and administrative details not affecting the quantity or quality of services to persons assisted by the programs administered. The area agency shall notify the Department of minor revisions at least quarterly.

(e) Whenever a change is contemplated by the area agency in any cost category or individual salary as budgeted in the Area Plan for area agency administration:

(i.) Prior written approval from the Department is required if the contemplated change would result in a change in the original approved amount greater than ten percent.

(ii.) Notification of such change shall be included in the next monthly financial report to the Department, if the change would not result in a change in the original amount greater than ten percent.

(iii.) Revised Area Plan pages shall be forwarded to the Department in accordance with time frames established by the Department.

(7) Subject to the availability of Federal and State funds and budget authority, the Department will subgrant with the area agency based on the submitted Area Plan for the Federal and State amounts indicated in the approved State Plan on Aging. Instructions for submitting payment requests and expenditure reports will follow Department policy.

(8) In the event an area agency, after written notice of deficiency, fails to comply in a timely manner with the terms of the area plan, contract or grant/subgrant agreement with the Department, the Department shall withhold distribution of a part of the total of contract or grant/subgrant funds designated for the area agency in proportion to the amount of services not furnished by the area agency as a result of the area agency delay. The Department shall promptly release any funds withheld, after corrective action has been taken or upon acceptance of a corrective action plan submitted by the area agency. If the area agency desires to appeal the decision to withhold funds, it may seek review in accordance with the Administrative Procedures Act and these Department Regulations.

(9) Withdrawal of an area agency designation will be done in conformity with Federal Regulations governing the Older Americans Act program and in accordance with the

Administrative Procedures Act.

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.