

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Alabama Department of Senior Services  
Rule No. 70-x-2-03  
Rule Title: Area Agency on Aging Functions and Responsibilities  
       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. Marshall

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-.03 Area Agency on Aging Functions and Responsibilities

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-.03 Area Agency on Aging Functions and Responsibilities.**

(1) Within the planning and service area an area agency shall:

(a) Serve as an effective and visible advocate and focal point for older persons of the planning and service area, and

(b) Develop and administer the area plan for a comprehensive and coordinated system of services for older persons.

(2) Each area agency shall agree to the following responsibilities:

(a) Establish and maintain an Advisory Council. Membership of the Advisory Council shall be composed of persons residing within the planning and service area.

(b) Establish and maintain an adequate staff to administer the Area Plan.

(c) Plan social, health, nutrition and in-home services to meet the current and projected needs of older persons of the planning and service area, within the limits of available funds.

(d) Contract with service providers to assist socially or economically needy older persons, using priorities for services with special emphasis on target populations outlined in the Older Americans Act of 1965, as established locally by needs assessment information.

(e) Area Agencies on Aging shall have procedures for handling complaints from persons who complain that service has been denied, terminated or reduced improperly under any programs funded by the Older Americans Act. The procedures shall include at a minimum an opportunity to submit facts and information orally or in writing to support the complaint and a written decision from the area agency containing the reasons for its decision. Area Agencies on Aging shall require service providers funded under the area plan to have procedures for handling such complaints. The area agency shall have the final decision authority regarding client complaints.

(f) Provide programmatic technical assistance to service providers and monitor and assess services provided under the area plan. Monitoring by the area agency shall determine the provider's compliance with state and federal law and rules.

(g) Provide financial management services, technical assistance and financial monitoring of the operations of the service providers and maintain accountability for all funds awarded by contract, subgrant or memorandum of understanding by the Department.

(h) Provide training and staff development necessary for the implementation of the area plan.

(i) Accurately prepare and, in a timely manner, submit programmatic and fiscal reports required by Departmental policies.

(j) Coordinate with other programs for older persons to assure a comprehensive service delivery system.

(k) Have in place a conflict of interest policy for advisory council members, staff and service providers.

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

**Statutory Authority:** Code of Ala. 1975, §§38-3-8 and 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.