

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Department of Senior Services
Rule No. 70-x-2-.04
Rule Title: Service Providers Under an Area Plan
 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. Mansel

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-.04 Service Providers Under an Area Plan

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-.04 Service Providers under an Area Plan.

(1) Any public or private non-profit agency or organization is eligible to receive a subgrant or contract for services funded under the Older Americans Act. A regional or local agency of the State, however, is not eligible to perform as a service provider. An area agency shall not provide direct services unless the Department grants a waiver under Section 307(a)(8)(A) of the Older Americans Act and XX-X-2-.05. Any proposed contract between an area agency and a profit making organization to provide services under an Area Plan must receive approval from the Department prior to contract execution.

(2) Any eligible agency or organization desiring to apply for a contract under the Area Plan may request an application from the area agency after a request for proposal(s) has been issued. The area agency shall respond within ten working days and enclose an application. The application will contain complete instructions, forms and specific documentation requirements to be completed by an applicant. The area agency shall utilize competitive bidding procedures in procurement contracts in accordance with State and Federal regulations.

(a) Applicants may apply for funding based on procedures established at the area agency.

(b) An applicant seeking Older Americans Act funding for the purpose of acquisition, alteration, or renovation of existing facilities, including mobile units, and construction of facilities to serve as multipurpose senior centers, shall make requests to the area agency. The area agency will render technical assistance concerning procedures and required documentation.

(3) Applicants may seek technical assistance regarding the application process from the area agency at any time.

(a) To be considered responsive, a formal application for funding must be, at a minimum:

(i) Signed by the senior officer of the applicant agency's governing body or designee.

(ii.) Provide an acceptable commitment for required non-federal financial participation (matching

requirement).

(iii.) Contain assurances of compliance with applicable Federal Regulations.

(4) A non-responsive application shall be rejected by the area agency; or, at the discretion of the area agency, an applicant may be permitted to withdraw the application and resubmit it after correction of deficiencies.

(5) In the event an applicant is dissatisfied with the action taken by the area agency, the applicant may request a hearing of the area agency.

(6) If the application is accepted for funding, the service provider will be further instructed by the area agency regarding establishment of project operation and start of service.

(7) Contracts or grants/subgrants between the Department, and the area agency, lead agency or core service providers shall follow Department contracting and financial management procedures.

(8) Service providers funded under the Area Plan shall adopt procedures for handling complaints from persons who assert that service has been denied, terminated or reduced improperly under any programs funded by the Older Americans Act. The complaint procedure must permit at least an opportunity to present orally or in writing the reasons why the service should not be changed and that the provider will furnish to the complainant a written explanation of the nature and reasons for the provider's action. Complaints which remain unresolved by a service provider shall be referred to the area agency by written report from the service provider no later than 30 days following the complainant's notice, with detailed information regarding efforts to resolve the complaint.

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.