

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Department of Senior Services
Rule No. 70-x-2-05
Rule Title: Area Agency direct provision of services 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. 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-.05 Area Agency direct provision of services under an Area Plan

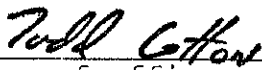
INTENDED ACTION: Amendment

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.



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

70-X-2-.05 Area Agency direct provision of services under an Area Plan.

(1) Area agencies may apply for a waiver to provide direct services of Older American Act programs. Any request for a waiver shall follow Older Americans Act of 1965 requirements. Applications for waivers shall be made in writing to the Department Commissioner no less than 60 days prior to the first day of the fiscal year for which the waiver is requested. If the Department Commissioner does not approve the request for a waiver within 30 days from the date of the request, such a request shall be deemed denied. If the Commissioner approves such a request, the grant of a waiver shall be effective for one fiscal year only.

(2) Requests for renewal of a waiver to provide direct services of Older Americans Act programs shall be made no less than 60 days prior to the termination of the waiver. If the Commissioner does not approve the request for renewal of a waiver within 30 days from the date of the request, such a request shall be deemed denied. If the Department Commissioner approves such a request, the grant of a renewal of a waiver shall be effective for one fiscal year only. Any further requests for renewals shall be made in accordance with XX-X-2-.05(1).

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~~)

History: Filed May 20, 1992.

Repealed and New Rule: Filed June 5, 2009; effective July 10, 2009.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