

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Department of Senior Services
Rule No. 70-x-3-01
Rule Title: Procedural Safeguards And Notice for Older Americans Act Programs
 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-3-.01 Procedural Safeguards And Notice for Older Americans Act Programs

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" and correct the spelling of American"s" in the title of the rule.

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-3-.01 Procedural Safeguards And Notice for Older Americans Act Programs.

The following rules and minimum procedural safeguards shall govern the provision of services for the following categories of programs under the Older Americans Act:

- (1) Supportive services (with the exception of the Legal Assistance Program)
- (2) Congregate meals services
- (3) Home delivered meals services
- (4) In-home services
- (5) Ombudsman services
- (6) Special needs services
- (7) Elder abuse services
- (8) Preventive health services
- (9) Outreach services

The Department requires the area agencies to follow these minimum procedures with regard to notice:

(1) Notice of Proposed Action.

(a) The area agency shall provide written notice to clients of the services to be terminated or reduced.

(b) The area agency shall provide written notice to an applicant or client of a denial of eligibility or services.

(c) The notice shall contain:

(i.) the action(s);

(ii.) the reason(s) for the action(s); and

(iii.) an explanation of the right to request a review in accordance with area agency procedures.

(2) Delivery of Notice.

(a) The notice may be delivered in any of the following ways:

(i.) by first class mail, postage prepaid, effective upon deposit of such notice in the mail,

(ii.) by personal service, or

(iii.) by certified mail, return receipt requested.

Author: Irene B. Collins, Commissioner

Statutory Authority: Code of Ala. 1975, §§ 38-3-8 to 38-3-9; § 41-22-12; Older Americans Act of 1965, as amended.

History: Filed May 20, 1992.

Repealed and New Rule: Filed June 5, 2009; effective July 10, 2009.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