

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Department of Senior Services
Rule No. 70-x-4.02
Rule Title: Informal Administrative Review by Department
_____ 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 Gusling 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-4.02 Informal Administrative Review by Department

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.

Will Cotton

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

70-X-4-.02 Informal Administrative Review by Department.

(1) Whenever possible, the Department shall attempt to resolve a complaint informally if it is likely to result in a timely resolution of the matter.

(2) A written request for an informal administrative review shall be filed with the Department Commissioner within ten (10) calendar days of the date of receipt of the issuance of the notice of action from the Department as specified in Administrative Code Rule 70-X-3-.02. Requests for informal reviews are limited to contested cases by individuals who have been denied care for direct services provided under a Department program due to eligibility standards, or a direct service provider of the Department that has been denied a claim for services provided a Department client or non-renewal or termination of a contract. Other requests for informal hearings on an action of the Department shall be granted at the discretion of the Department Commissioner.

(3) Within ten (10) calendar days of receipt of the request the Department Commissioner shall appoint two staff members who have not been directly involved with the petitioning party to serve as a review team, and shall notify the applicant or client by first class mail of the time and place for the review.

(4) The review team shall consider all the records of the Department concerning the petitioning party's complaint, any other pertinent documents or information, and any writings, documents or oral communication presented to it by the party.

(5) The review team shall conduct the informal review as expeditiously as possible, but in no event more than thirty (30) days after receipt of the request by the Department, unless extended by agreement or for good cause shown.

(6) The review team shall issue a written decision within fifteen (15) calendar days of the date of completion of the review. The decision of the informal administrative review shall be communicated to the petitioning party in the same manner as a notice of proposed action as outlined in Administrative Code Rule XX-X-3-.02.

(7) The informal administrative review decision shall be made a part of the petitioning party's record.

Author: Irene B. Collins, Commissioner

Statutory Authority: Code of Ala. 1975, §§ 38-3-8 through 38-3-9; §41-22-12; 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.