

DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF SERVICES TO THE AGING

PART 2. COMMISSION ON SERVICES TO THE AGING

R 400.20201 Functions and responsibilities.

Rule 201. (1) The commission shall be responsible for those functions and responsibilities specified in sections 3 and 4 of the act.

(2) The commission shall approve the award of financial assistance to each grantee or contractor which is administered by the office.

(3) The commission shall issue, within 45 days from the beginning of each fiscal year, a listing which provides an index of its operating policies and procedures. The index shall indicate the status of those policies and procedures currently in effect, those modified or rescinded during the previous fiscal year, and those where change is contemplated during the current year.

(4) The commission shall appoint a state advisory council pursuant to section 4(1)(j) of the act. The composition of the advisory council shall conform to requirements of the OAA and its implementing regulations.

History: 1983 AACCS.

R 400.20202 Grants and contracts; commission action.

Rule 202. (1) The commission shall issue procedures governing its process of review and actions for approval or disapproval of grants or contracts to be awarded and administered by the office. Procedures of the commission shall be issued through the director and shall include all of the following criteria:

(a) Practices for scheduling dates of commission action.

(b) Practices for conveying a notice of decision, through the director, to grantees and contractors.

(c) Provisions to inform a grantee, a contractor, or an applicant for PSA or AAA designation whether the action is subject to appeal.

(d) A stipulation that the grant or contract is to be administered by the office under the supervision of the director.

(2) The commission shall only approve proposed grants or contracts for action which meet the requirements specified in R 400.20302 and R 400.20303.

(3) The commission shall require the office, through the director, to submit an analysis and recommendation of disposition before a grant or contract is acted upon.

(4) The commission shall issue procedures in conjunction with the director governing all of the following:

(a) Suspension, probation, or termination of a grantee for failure to comply with these rules or other state or federal requirements or for noncompliance with the grant agreement.

(b) Suspension or termination of a contractor for failure to comply with a contract agreement.

(c) Continuance of a local program or service for older persons in the event of suspension or termination.

History: 1983 AACCS.

R 400.20203 State and area plans; commission action.

Rule 203. (1) The commission shall not act to approve the state plan or amendments thereto required by section 6 of the act until both of the following occur:

(a) One or more public hearings have been conducted to obtain testimony on the proposed state plan, goals, and action measures.

(b) The proposed plan has been transmitted by the director assuring that technical and procedural requirements of state or federal law, rules, or regulation have been complied with.

(2) The commission shall approve area plans or amendments thereof as a prerequisite to grants to area agencies as provided by section 4 of the act. Before action is taken by the commission, it shall ensure all of the following:

(a) That hearings have been conducted in the PSA to obtain public review and comment on the proposed goals and plan of implementation, assuring that adequate time was provided to evaluate public comment for the purpose of possible modification of the proposed plan.

(b) That the area agency's governing body and advisory council have endorsed and adopted the proposed plan as submitted.

(c) That analysis and recommended disposition of the proposed plan has been provided by the office, through the director, concerning technical and procedural requirements for area plans and R 400.20305 requirements.

History: 1983 AACCS.

R 400.20204 Public hearings.

Rule 204. (1) The commission, in cooperation with the office, shall conduct public hearings for all of the following:

(a) The state plan.

(b) The designation of PSAs.

(c) The designation of area agencies.

(d) The determination of needs, issues, and concerns of older persons.

(2) Advance hearing notice of 14 days or more shall be given through publication of the hearing notice in a newspaper of general circulation for the territory for which the hearing has applicability. The notice shall include the date, time, location, and purpose of the public hearing.

History: 1983 AACCS.

R 400.20205 Designation of planning and service areas.

Rule 205. (1) The commission shall review and take action on the designation of planning and service areas. Requests for designation of PSAs shall be initiated in writing by either of the following:

(a) A unit of general purpose government which has a population of 100,000 or more, a regional area consisting of several cooperating general purpose governments, or an Indian reservation.

(b) The commission.

(c) The director.

(2) The commission shall approve criteria for designation of PSAs based on recommendations of the office. Criteria are to include all of the following:

(a) Conformance with requirements of the OAA.

(b) The relationship to other service regions established by the state through executive or legislative action.

(c) Consultation with the governor's office and state agencies concerning the relationship to other service regions and the proposed PSA.

(d) Review and comment by local governments and human resource agencies within the proposed PSA.

(3) The commission shall conduct 1 or more public hearings on the proposed PSA designation as provided in R 400.20204 before taking action to designate planning and service areas.

(4) At least 1 public hearing shall be held in that locality of the state where a proposed PSA designation will alter or modify the existing PSA geographic configurations.

History: 1983 AACCS.

R 400.20206 Designation of area agencies on aging.

Rule 206. (1) The commission shall designate only 1 area agency on aging for each PSA.

(2) The commission shall ensure that the provisions of section 9(1) of the act and the OAA are met before taking designation action.

(3) The commission shall review requests for area agency designation on the basis of procedures issued in conjunction with the director. At a minimum, the procedures shall contain all of the following:

(a) Instructions for applicants who wish to file a request for designation.

(b) Specific requirements to be met by the applicant to be considered as an eligible applicant.

(c) Specific requirements the applicant must conform to if designated as an area agency on aging.

(4) The commission shall not designate any area agency on aging until all of the following requirements have been complied with:

(a) A technical review of the request and supporting documentation has been conducted by the office to determine conformance with the act or the OAA and its implementing regulations.

(b) The director has submitted his or her recommendations concerning the request.

(c) Evidence of support has been provided by resolution from a majority of the affected general purpose governments in the PSA.

(d) A public hearing has been conducted as provided in R 400.20204.

(e) That applicants requesting area agency designation possess the legal and organizational capacity to carry out the functions specified in this rule and R 400.20401 to R 400.20405.

History: 1983 AACCS.

R 400.20207 Appeal of commission decision.

Rule 207. (1) An appeal may be made of any of the following commission actions:

(a) Denial of a planning and service area designation.

(b) Withdrawal of an area agency designation.

(c) Disapproval of an area plan or area plan amendment.

(d) Termination or suspension of a grantee.

(2) Appeal of commission actions shall be conducted in accordance with the provisions of R 400.20601 to R 400.20615.

History: 1983 AACCS.