

**DEPARTMENT OF COMMUNITY HEALTH**

**OFFICE OF SERVICES TO THE AGING**

**PART 3. OFFICE ON SERVICES TO THE AGING**

**R 400.20301 Functions and responsibilities; issuance of procedures on administration and management.**

Rule 301. (1) The office shall perform those functions and responsibilities as provided in sections 5, 6, 7, and 10 of the act and those conferred by the OAA.

(2) The office, through the director, shall issue written procedures regarding its administrative and management responsibilities in accordance with the following provisions:

(a) Sections 24 to 26 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.224 to 24.226 of the Michigan Compiled Laws.

(b) Applicable federal program requirements and regulations for those federal programs administered by the office pursuant to the OAA.

(3) The office shall issue procedures to provide for all of the following:

(a) Systematic administration and management to grantees and contractors, including procedures for application, action, payment, reporting, closeout, and audit of such grants or contracts.

(b) The general conduct of business with area agencies, other grantees and contractors on an ongoing basis. Such procedures shall include program and fiscal information to interpret, instruct, or otherwise provide guidance.

(c) Methods by which state and federal program and financial requirements are to be fulfilled by grantees, contractors, and the office.

(d) The office's notice to the commission of any modification or amendment to the commission's previously approved grants, contracts, and state or area plans.

(e) Developing and maintaining a state comprehensive plan on services to the aging, including its substantive content, period of applicability, public review through hearing, and methods for amendment.

(f) Grantee assessment of those entities with which they have entered into contract to provide services, including criteria for such assessment.

(g) The processing of administrative complaints registered by grantees or contractors which are based on established policies or procedures.

(4) The director, before the adoption and issuance of office procedures, shall ensure that grantees, contractors, and other interested parties have been given an opportunity for expressing views on proposed procedures in accordance with subrule (2) of this rule.

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

History: 1983 AACCS.

**R 400.20302 Distribution formulae for formula-type grants; criteria for discretionary-type grants; development; publication; use.**

Rule 302. (1) The office shall develop distribution formulae and criteria for use in the allocation of state and federal grant funds to be consistent with the act and OAA.

(2) The distribution formulae shall be made an attachment to the state plan and shall be subject to commission action pursuant to R 400.20203 and R 400.20204.

(3) The office shall issue criteria for the allocation of funds which are to be determined on the basis of discretion rather than non-discretion formula, to include both of the following:

(a) A notice of grant availability, where funds are to be awarded on a discretionary basis.

(b) The requirements for making a request for such discretionary funds.

(4) The commission, as provided in R 400.20202, shall use the distribution formulae or criteria for discretionary grants, whichever is applicable, in taking action on funding decisions.

History: 1983 AACCS.

**R 400.20303 Award of financial assistance through grants and contracts; criteria and procedures.**

Rule 303. (1) The office shall issue, through the director, criteria and procedures for both of the following:

(a) The selection of grantees and contractors to be recommended for financial award through commission action.

(b) The effectuation of a grant or contract, awarded by commission action, through a written grant or contract instrument.

(2) The office, through the director, shall issue information and procedures on seeking financial assistance through the office, including all of the following:

(a) The instructions required to officially request, make application for, or submit a proposal for, funding through a grant or contract.

(b) Requirements to qualify as an eligible applicant.

(c) Criteria to be used in review and action by the office and the commission.

(d) Criteria for revising or amending the proposal prior to commission action.

(e) Criteria for revising or amending the grant or contract instrument after action by the commission.

(3) The office shall use a uniform grant or contract agreement instrument when making the award of financial assistance as provided in subrule (2) of this rule. Specific requirements of state or federal law, rules, or regulations shall be referenced and made addenda of the grant or contract instrument.

(4) The office, through the director, shall ensure that written procedures are issued for each state and federal program for which financial assistance is available as a grant or a contract.

History: 1983 AACCS.

**R 400.20304 State plan; development; content.**

Rule 304. (1) The office shall be responsible for the development, maintenance, and implementation of a state plan in accordance with the following:

(a) Provisions of section 6 of the act.

(b) Provisions of section 307 of the OAA and its implementing regulations.

(2) The state plan shall include, but not be limited to, all of the following:

(a) The duration or time frame the plan is to be in effect.

(b) The content to comply with applicable OAA requirements or its implementing regulations.

(c) A statement of how the state plan was developed in recognition of area plans and in consultation with older persons.

(d) Action steps that will be established to effectuate the plan.

(e) The funding formula, as provided in R 400.20303, shall be made an attachment to the plan.

(3) The state plan shall be subject to public hearing as provided in R 400.20204.

History: 1983 AACCS.

**R 400.20305 Area plans; development of uniform standards and criteria for development, approval, and effectuation.**

Rule 305. (1) The office shall develop, and the director shall issue, standards and criteria for area plans, including all of the following:

(a) The format and content for the development and preparation of area plans by area agencies.

(b) The time frame for submittal of area plans to achieve office review and commission action.

(c) The time period for which the area plan will be in effect.

(d) The use of standardized service definitions to describe the function and unit of measure for each category of service to older persons which may be provided or funded under provisions of an area plan.

(e) Procedures for revising or amending an area plan and submitting the plan for commission action.

(f) Distribution of grant monies through the area plan.

(2) The office shall establish criteria and issue instruction to area agencies for ensuring that local governments, agencies, service providers, and older persons have an opportunity for involvement in the development, coordination, and implementation of an area plan.

(3) The office shall establish a procedure or coordination mechanism to ensure there is a coordination and correlation of data used for the development of area plans with that used for the state plan.

(4) The office shall establish and issue procedures for granting a waiver to area agencies that demonstrate they can provide a nutrition or supportive service more effectively than a contractor.

History: 1983 AACCS.

**R 400.20306 Assessments of grantees and state agency contractors for performance and compliance.**

Rule 306. (1) At least annually, the office shall conduct an on-site assessment of grantees and state agency contractors for the following purposes:

(a) To determine the extent of compliance in meeting state and federal requirements.

(b) To assess the performance of the grantee or its contractor in attaining objectives made part of the grant or contract agreement.

(2) The office shall issue procedures for all of the following, through the director, for grantees and contractors:

(a) Assuring that a grantee or state agency's contractor is given advance notice, in writing, of a scheduled assessment, including all of the following:

(i) The date scheduled for on-site assessment.

(ii) The scope of the on-site assessment.

(iii) Criteria to be used in conducting the on-site assessment.

(b) Assuring that a written report will be submitted within 60 days to the grantee or the state agency's contractor describing the office's findings as a result of the on-site assessment.

(c) Assuring that the grantee or the state agency's contractor may respond to the office within 21 days of receipt of the office's findings concerning any exceptions noted in the assessment report.

(3) Each written assessment report issued by the office shall be used as a basis for the following:

(a) Corrective action to be taken by the grantee or the state agency's contractor.

(b) Suspension, probation, or termination action by the office toward the grantee or its contractor.

(c) Denial of eligibility, subsequent grants, or contracts due to performance or compliance factors.

(4) Each assessment report shall make notation of changes, improvements, or corrections which have been made by the grantee or contractor since the latest annual assessment.

History: 1983 AACCS.

**R 400.20307 Determination of need for services to the aging.**

Rule 307. (1) The office shall systematically determine the need for services to the aging on an ongoing basis focusing on statewide, institutional, and community-based settings. Needs shall be based on demographic, social, and economic indicators.

(2) The office shall use data, findings, and conclusions resulting from the determination of need for all of the following:

(a) Preparation and development of the state plan as provided by R 400.20304.

(b) Establishing standards and criteria for area plans as provided by R 400.20305.

(c) Establishing priorities or limitations of grants or contracts provided by R 400.20303.

(d) Preparing the annual report to the governor and legislature under provisions of section 6(n) of the act.

History: 1983 AACS.

**R 400.20308 Recommendations to the commission; basis for action.**

Rule 308. The director shall submit to the commission a report containing the recommendation of the office for each grant, contract, or area plan transmitted for commission action. The report shall contain information to guide the commission's action, including all of the following information:

(a) The extent to which the proposed grant or contract or area plan conforms to applicable provisions of the act or the OAA.

(b) The extent to which the request conforms to the provisions of R 400.20302.

(c) The extent to which assessments conducted under the provisions of R 400.20306 may have an effect.

(d) The extent to which the grant or contract will provide services, in quantifiable terms, for older persons.

History: 1983 AACS.

**R 400.20309 Hearings and appeals.**

Rule 309. (1) The director of the state agency shall establish procedures for receiving and processing appeals requests for both of the following:

(a) Appeal of those commission actions which are subject to appeal as provided by R 400.20207.

(b) Appeal by a grantee's contractor as provided by R 400.20107(2)(g).

(2) Notification of each commission action which is subject to appeal shall be issued by the director of the state agency to the affected party as stipulated in R 400.20207.

(3) The state agency shall conform to the requirements of R 400.20601 to R 400.20615 when undertaking an appeals transaction for those commission or state agency actions described in R 400.20207.

(4) The director of the state agency, in consultation with the commission, shall issue criteria for the development of grantee appeals procedures, including review and concurrence by the state agency as provided by R 400.20107.

(5) The commission chairperson shall appoint an appeal panel to hear those appeals received pursuant to subrule (1)(b) of this rule. The panel shall serve as the hearing body and prepare a written record of facts concerning the case and provide a recommended decision.

History: 1983 AACS.