

**DEPARTMENT OF COMMUNITY HEALTH**

**OFFICE OF SERVICES TO THE AGING**

**PART 4. AREA AGENCIES ON AGING**

**R 400.20401 Area agencies; designation; legal basis.**

Rule 401. (1) Area agencies shall be designated by the commission in accordance with R 400.20206.

(2) Area agencies shall be established with a statutory basis as 1 of the following:

(a) A general purpose government or agency thereof.

(b) An agency designated by resolution of a combination of units of general purpose government.

(c) A nonprofit agency under the supervision or direction of the state agency.

(d) An Indian tribal organization.

History: 1983 AACCS.

**R 400.20402 Area agencies; responsibilities and functions.**

Rule 402. (1) Area agencies shall be responsible for those functions contained in section 9(2) of the act and section 306 of the OAA.

(2) Area agencies shall develop a comprehensive and coordinated area plan for the delivery of nutrition and supportive services to older persons for their respective PSA.

(3) Area agencies shall not be engaged in the direct provision of nutrition and supportive services. An area agency may obtain a waiver from the state agency to provide services if it can substantially demonstrate that it can provide the service more effectively and efficiently than a contractor in accordance with provisions of R 400.20305.

(4) Area agencies shall administer program, financial, and technical assistance to service providers with whom they contract in accordance with procedures issued by the office pursuant to R 400.20301 to R 400.20309 and R 400.20104 to R 400.20107.

(5) Area agencies may enter into cooperative agreements with public and private agencies in the PSA to achieve coordination and cooperation in the planning and delivery of services to older persons.

History: 1983 AACCS.

**R 400.20403 Area plans; preparation, approval, expenditures, and amendment.**

Rule 403. (1) Area agencies shall develop an area plan in accordance with R 400.20305 and shall submit the plan for commission action in accordance with R 400.20203.

(2) Area agencies shall receive grants from the office only under the provisions of an area plan developed and approved in accordance with subrule (1) of this rule.

(3) Area agencies shall expend monies only for those functions and services contained in their approved area plans and the grant award instruments issued by the office and in accordance with R 400.20105.

(4) Area agencies may request an amendment to their approved area plan in accordance with R 400.20305 after written notice has been given to contractors providing services under the plan and after public hearings have been conducted on the proposed amendment by the area agency.

History: 1983 AACCS.

#### **R 400.20404 Service provision; use of service providers; contracts.**

Rule 404. (1) Area agencies shall contract with service providers to deliver supportive and nutrition services under the provisions of an area plan, unless otherwise authorized pursuant to R 400.20402.

(2) Area agencies shall not execute a contract until an area plan has been approved by the commission pursuant to R 400.20203 and authorization to encumber grant funds has been issued by the director pursuant to R 400.20303.

(3) Area agencies shall issue instructions for the reporting of program and fiscal information. Reference to such instructions shall be made a part of each contract instrument. Such instruments shall be consistent with those issued by the director in accordance with R 400.20202 and R 400.20303.

(4) Area agencies shall include information contained in reports required by subrule (3) of this rule as part of the reports required by the office pursuant to R 400.20104.

History: 1983 AACCS.

#### **R 400.20405 Financial allocations; requirements.**

Rule 405. (1) Area agencies shall use their allocations under an approved area plan and approved grant instrument for those services which are consistent with service definitions issued pursuant to R 400.20305 and priority service needs identified by the area plan.

(2) Area agencies shall make supportive service allotments received under provisions of the OAA to ensure that an adequate proportion of the allotment is used to fund each of the following service categories:

- (a) Services associated with access to other services.
- (b) In-home services.
- (c) Legal services.

(3) Area agencies may request a waiver of subrule (2) of this rule at the time of area plan submittal required by R 400.20403.

(4) The office shall issue criteria for determining the basis of granting a waiver under subrule (3) of this rule. The criteria shall be made a part of the procedures specified in R 400.20303.

(5) Area agencies, as part of the area plan, shall describe the rationale for allocating funds made available through grants within the PSA. The rationale shall describe how funds will be distributed to meet priority nutrition and supportive service needs identified in the area plan.

History: 1983 AACCS.

**R 400.20406 Area agencies; written procedures required.**

Rule 406. (1) Area agencies will be required to have written procedures in accordance with R 400.20106.

(2) Area agencies shall adopt written procedures as provided by R 400.20106 to govern the conduct for both of the following:

- (a) The agency's governing body or board of directors.
- (b) The agency's advisory council.
- (c) The handling of administrative complaints generated by service providers.
- (d) Assessment of contractors as provided by R 400.20105.

(3) Area agencies shall have written procedures for the conduct of public hearings to be held for any of the following:

- (a) The area plan.
- (b) Advocacy hearings on service needs determination or issues of older persons.
- (c) Hearings required pursuant to R 400.20107.

History: 1983 AACCS.

**R 400.20407 Service need evaluation; cooperative effort.**

Rule 407. Area agencies shall cooperatively participate with service providers and the office in the determination of need for services required by R 400.20307.

History: 1983 AACCS.