



Division of Aging & Adult Services State Unit on Aging Policy



Subject: Administrative Mandates
Policy Chapter: 1900
Effective Date: 7/1/2026
Revision Number: 0

Administrative Mandates

I. POLICY STATEMENT

The purpose of this policy is to provide an outline for Aging and Disability Services (ADS) operational policies and procedures for Administrative Mandates which includes Confidentiality and Disclosure of Information, Fingerprint and Background Checks, Address Confidentiality Program (ACP), and Client Complaints.

This policy section is subject to change as additional information and/or regulations are received from the U.S. Department of Health and Human Services.

II. APPLICABILITY

- A. Department of Economic Security (DES) Employees;
- B. Area Agencies on Aging (AAAs); and
- C. Subcontractors and Service Providers.

III. AUTHORITY

Older Americans Act (2020)	Pub L. 116-131
The Freedom of Information Act (2016)	Pub L. 114-185
Health Insurance Portability and Accountability Act (HIPAA) (1996)	Pub L. 104-191
Code of Federal Regulations (C.F.R.) Code of Federal Regulations (C.F.R.)	45 C.F.R. §1321, and §1322

	45 C.F.R. §160, and §164 subparts A and E
United States Code (U.S.C.)	5 U.S.C. §552 Part I, Chapter 5 Subchapter II, Section 552
A.R.S. § 8-804	Central registry; notification; definition
A.R.S. § 41-1959	Confidential information; permissible disclosure; rules; violation; classification
A.R.S. § 41-161	Address Confidentiality Program; Definitions
A.R.S. § 41-166	Address use by state or local government entities
A.R.S. § 41-167	Request for disclosure
A.R.S. § 46-141	Criminal record information checks; fingerprinting employees and applicants; definition
A.R.S. § 46-454	Duty to report abuse
A.R.S. § 41-619.57	Central registry exceptions; expedited review; hearing
A.R.S. § 12-2234	Attorney and client
A.R.S. § 13-4062	Anti-marital fact privilege; other privileged communications
Arizona Administrative Code (A.A.C.)	Title 6, Chapter 8
Arizona's Rules of Professional Conduct	A.R.S. Sup.Ct.Rules, Rule 42, Rules of Prof. Conduct, Rule 42 1.6 Confidentiality of Information

IV. DEFINITIONS

Adverse Action: Any action taken that denies, suspends, terminates, or reduces a Client's services or benefits. This does not include benefits that are temporarily unavailable due to staffing, waitlisting, or other external factors such as weather.

Address Confidentiality Program (ACP): The program established pursuant to [A.R.S. §41-161](#) in the Office of the Secretary of State to protect the confidentiality of the actual address of a relocated victim of domestic violence, a sexual offense, or stalking.

Appeal: A fair and impartial review of an Adverse Action.

Benefit: Service funded under the Older Americans Act that enables older adults to enjoy healthy, productive, and independent lives in their homes and communities

Clients: An individual who is seeking or receiving a service provided by an AAA.

Confidential Information: Records related to a Client that could be used to identify the Client including, but not limited to, Personally Identifiable Information (PII) and Protected Health Information (PHI).

De-Identify: Information that can neither identify nor provide a reasonable basis to identify an individual.

Disclosure: Allowing access to, or sharing of, any Confidential Information through written, oral, or electronic means.

Complaint: A complaint about a service provided by an AAA.

Older Adult: An individual age 60+, or an older Native American as defined by the individual's Tribe.

Personally Identifiable Information (PII): Data that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual.

Prior Authorization: Written permission from Clients to use and disclose their Confidential Information for a specific purpose and duration. Also referred to as informed consent.

Privileged Information: Communications protected by Arizona law from being disclosed without consent.

Protected Health Information (PHI): Any information, including demographic data, relating to a Client's physical or mental health conditions, including their past, present or future conditions. This also includes details about the healthcare provided to the Client and any payments associated with that healthcare, whether past, present, or future, that

can be used to identify the Client.

Records: A document, in any format (paper, e-mail, or other documentary material) pertaining to the provision of services.

Service Provider: An individual or organization that receives a subgrant or contract from an AAA to provide services.

V. ADMINISTRATIVE MANDATES

A. Confidentiality and Disclosure of Information

1. AAAs must uphold the rights of each Client, including maintaining the confidentiality of personal Records. This includes, but is not limited to, the following types of information:
 - a. Personally Identifiable Information (PII); and
 - b. Protected Health Information (PHI).
2. The State Unit on Aging (SUA), AAAs, subcontractors, and Service Providers collect sensitive legal information from Clients. They must:
 - a. Securely maintain all Records, regardless of their format, to prevent breaches or misuse including:
 - i. Storing paper documents in locked files; and
 - ii. Securing electronic Records.
 - b. Comply with all applicable state and Federal statutes, rules, and regulations regarding confidentiality and Disclosure of Confidential Information in [45 CFR § 1321.75](#); and
 - c. Consult with Tribes on data sovereignty.
3. AAAs are required to develop and maintain policies and procedures that implement physical, technical, and administrative protections to prevent accidental, intentional, or inappropriate Disclosure of Confidential Information. These policies must, at a minimum, outline processes to:
 - a. De-Identify program data as needed;
 - b. Receive, review, and respond to Disclosure requests in a timely manner. Disclosures made must:
 - i. Have Prior Authorization from the Client, unless the Disclosure falls under specific exceptions outlined in V.A.3.c. of this policy;

- ii. Provide only the minimum necessary information to fulfill the purpose of the request; and
 - iii. Be transmitted using secure methods, such as encryption, to ensure the information is not accessible to unauthorized individuals.
- c. Determine if Prior Authorization is required for the Disclosure request. Unless specifically regarding the abuse of Older Adults (in which only section V.A.3.c.i applies), a Disclosure may be made without Prior Authorization under the following circumstances:
 - i. The Disclosure is required by Federal, State, Tribal, or local law or court order, including but not limited to, referrals made to:
 - A. Adult Protective Services (APS), as mandated by [A.R.S. § 46-454](#); or
 - B. Law enforcement when a crime has occurred or may occur, unless the information is classified as Privileged Information.
 - ii. The Disclosure is requested by one of the following entities:
 - A. State and local agencies, community-based organizations, or healthcare providers and payers to provide services or make claims for benefits or public/private assistance on behalf of the Client; or
 - B. Authorized entities for program monitoring or evaluation purposes.
 - iii. The Disclosure is made in emergency situations or for disaster relief purposes, when it is in the Client's best interest for the information to be shared; or
 - iv. The Disclosure is permitted under HIPAA, following the guidelines in the *permitted uses and Disclosures* section of the [HHS summary of the privacy rule](#).
- d. Obtain Prior Authorization as needed and document it in the Client's file;
- e. Ensure that each Client is informed that Confidential Information may

be shared according to section V.A.3.c.ii.A of this policy; and

- f. Destroy Records, including Confidential Information, within 6 years of their creation or last effective date.

B. Fingerprint and Background Checks

1. AAAs, subcontractors, and Service Providers are responsible for ensuring all legal and contractual requirements relating to fingerprints and background checks are met.

C. Address Confidentiality Program (ACP)

1. Participation in ACP does not exempt a Client from meeting all relevant program eligibility criteria.
2. If the Client is an ACP Participant, the substitute address must be accepted on all application material required for the applicable program.
3. All DES employees, AAAs, subcontractors, and Service Providers must comply with [A.R.S. §41-166](#) and the DES ACP Policy.

D. Client Complaints

1. Clients have the right to voice Complaints when they are dissatisfied with the quality of services they receive, without discrimination or retaliation.
2. Client Complaints can offer valuable insight into the effectiveness of services provided to Clients under the OAA, and must be:
 - a. Addressed with diligence and seriousness by the SUA, AAA, and Service Providers; and
 - b. Resolved to the extent possible. A resolution of a Client Complaint should, at a minimum:
 - i. Satisfy the Client; or
 - ii. Demonstrate efforts to create meaningful change that improves service delivery.
3. AAAs are required to develop and maintain policies and procedures, in accordance with this policy, federal statutes, and regulations, regarding Client Complaints. These policies and procedures must include processes for:
 - a. Identifying, receiving, reviewing, and resolving Client Complaints regardless of the source of the Complaint;

- b. The establishment of reasonable and specific standards around the timeliness of Complaint handling;
- c. Attempting to resolve the Complaint, within 15 calendar days, through a tiered structure, beginning at the provider closest to the Complaint and escalating to the SUA, as appropriate;
- d. Recognizing and conducting further investigation when similar Complaints are made by multiple Clients;
- e. Retaining the following in the Client file:
 - i. Written documentation of the Complaint;
 - ii. Any attempts to resolve the Complaint; and
 - iii. The outcome of the Complaint.
- f. Providing Clients with a copy of the AAA Complaint procedure upon:
 - i. Completion of an assessment for services funded under an approved Area Plan on Aging; and
 - ii. The Client's request.

Equal Opportunity Employer / Program • Auxiliary aids and services are available upon request to individuals with disabilities • To request this document in alternative format or for further information about this policy, contact the Division of Aging and Adult Services at 602-542-4446; TTY/TDD Services 7-1-1