

<b>1000</b>	<b>Area Agency on Aging Administrative Standards</b>
This chapter provides an outline of the Division of Aging and Adult Services policies and procedures for the Area Agency on Aging Administrative Standards, Reporting and Functions.	

<b>1100</b>	<b>Area Agency on Aging Functions</b>
<b>1101</b>	<b>Overview</b>
	<p>1101.1</p> <p>This section provides an outline of the Division of Aging and Adult Services' operational principles and procedures for the designation of an Area Agency on Aging and the responsibilities that must be able to carry out once designation has been granted. This policy chapter is subject to change as additional information and/or regulations are received from the U.S. Department of Health and Human Services, Administration on Aging.</p> <p>The State must be divided into Planning and Service Areas. The Division of Aging and Adult Services shall designate within its Planning and Service Areas agencies which shall function primarily for the purpose of carrying out the mandatory and statutory responsibilities of an Area Agency on Aging, as defined in the Older Americans Act of 1965 (as amended).</p>

<b>1100</b>	<b>Area Agency on Aging Functions</b>			
<b>1102</b>	<b>Authority</b>			
	<p>1102.1</p> <p>The information in this section is authorized and governed by the following statutes and regulations:</p>			
	<table border="0"> <tr> <td style="text-align: center;"><b>A</b></td> <td>                             Older Americans Act of 1965, as Amended in 2006, P.L. 109-365, §102, § 305, § 306, § 307, § 308, § 321, § 705, § 712, and § 721  <a href="http://www.aoa.gov/AoARoot/AoA_Programs/OAA/oa_full.asp">http://www.aoa.gov/AoARoot/AoA_Programs/OAA/oa_full.asp</a> </td> </tr> <tr> <td style="text-align: center;"><b>B</b></td> <td>                             Code of Federal Regulations, Title 45 Public Welfare, C.F.R. §1321.17, §1321.29, §1321.33, §1321.35, §1321.53, §1321.55, §1321.57, §1321.59, and §1321.61  <a href="http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&amp;tpl=/ecfrbrowse/Title45/45cfr1321_main_02.tpl">http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&amp;tpl=/ecfrbrowse/Title45/45cfr1321_main_02.tpl</a> </td> </tr> </table>	<b>A</b>	Older Americans Act of 1965, as Amended in 2006, P.L. 109-365, §102, § 305, § 306, § 307, § 308, § 321, § 705, § 712, and § 721 <a href="http://www.aoa.gov/AoARoot/AoA_Programs/OAA/oa_full.asp">http://www.aoa.gov/AoARoot/AoA_Programs/OAA/oa_full.asp</a>	<b>B</b>
<b>A</b>	Older Americans Act of 1965, as Amended in 2006, P.L. 109-365, §102, § 305, § 306, § 307, § 308, § 321, § 705, § 712, and § 721 <a href="http://www.aoa.gov/AoARoot/AoA_Programs/OAA/oa_full.asp">http://www.aoa.gov/AoARoot/AoA_Programs/OAA/oa_full.asp</a>			
<b>B</b>	Code of Federal Regulations, Title 45 Public Welfare, C.F.R. §1321.17, §1321.29, §1321.33, §1321.35, §1321.53, §1321.55, §1321.57, §1321.59, and §1321.61 <a href="http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&amp;tpl=/ecfrbrowse/Title45/45cfr1321_main_02.tpl">http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&amp;tpl=/ecfrbrowse/Title45/45cfr1321_main_02.tpl</a>			

<b>1100</b>		<b>Area Agency on Aging Functions</b>		
		<b>Operational Procedures for Area Agency on Aging Designation</b>		
<b>1103</b>	<b>1103.1</b>	The Division of Aging and Adult Services must designate within each Planning and Service Area an agency to function as an Area Agency on Aging.		
	<b>1103.2</b>	The Area Agency on Aging, once designated, is responsible for providing adequate and qualified staff to perform all of its mandatory and statutory responsibilities as an Area Agency on Aging as described in Section 1104.		
	<b>1103.3</b>	Once an Area Agency on Aging has been designated as such, it cannot delegate its responsibilities or authorities to any other agency or unit.		
			A designated Area Agency on Aging shall be one of the following:	
			<b>A</b>	An established office of aging operating within a Planning and Service Area.
			<b>B</b>	Any office or agency of a unit of general purpose local government which is designated to function only for the purpose of serving as an Area Agency on Aging by the chief elected official of such unit.
	<b>1103.4</b>	<b>C</b>	Any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act only on behalf of such combination for such purpose.	
			<b>D</b>	Any public or non-profit agency in a Planning and Service Area (or any separate organizational unit within such an agency), which is under the direction of the Division of Aging and Adult Services, that specifically engages only in the planning or provision of a broad range of supportive services, or nutritional services within such Planning and Service Area.
	<b>1103.5</b>	In designating an Area Agency on Aging within a Planning and Service Area or within any unit of general purpose local government designated as a Planning and Service Area, the Division of Aging and Adult Services shall give preference to an established office on aging, unless the Division finds that no such office within the Planning and Service Area will have the capacity to carry out the Area Plan.		
	<b>1103.6</b>	Whenever the Division of Aging and Adult Services designates a new Area Agency on Aging, the Division shall give the right of first refusal to a unit of general purpose local government if such unit can meet the requirements of the Older Americans Act and the boundaries of such a unit and the boundaries of the area are reasonably contiguous.		
		<b>A</b>	If the unit of general purpose local government chooses not to exercise this right, the Division of Aging and Adult Services shall then give preference to an established office on aging.	

<b>1100 Area Agency on Aging Functions</b>															
<b>Operational Procedures for Area Agency on Aging De-Designation</b>															
<b>1104</b>	<p><b>1104.1</b> The Division of Aging and Adult Services shall withdraw the Area Agency on Aging designation whenever the Division, after reasonable notice and opportunity for a hearing, finds one of the following:</p> <p><b>A</b> An Area Agency on Aging does not meet the requirements of its mandatory and statutory responsibilities.</p> <p><b>B</b> An Area Plan or Plan Amendment is not approved.</p> <p><b>C</b> There is substantial failure in the provisions or administration of an approved Area Plan to comply with any provision of their mandatory and statutory responsibilities, or of the Division of Aging and Adult Services policies and procedures.</p> <p><b>D</b> Activities of the Area Agency on Aging are inconsistent with the statutory mission prescribed in the Older Americans Act, or in conflict with the requirements of the Older Americans Act that it function only as an Area Agency on Aging.</p> <p><b>E</b> The Area Agency on Aging requests de-designation.</p>														
	<p><b>1104.2</b> If the Division of Aging and Adult Services withdraws an Area Agency's designation, the Division of Aging and Adult Services must perform one of the following:</p> <p><b>A</b></p> <table border="1" style="margin-left: 20px;"> <tr> <td style="width: 20px; text-align: center;"><b>1</b></td> <td>Provide a plan for the continuity of Area Agency functions and services in the affected Planning and Service Area.</td> </tr> <tr> <td style="width: 20px; text-align: center;"><b>a</b></td> <td>If necessary to ensure continuity of services in a Planning and Service Area, for a period of up to 180 days after its final decision to withdraw designation of an Area Agency, the Division of Aging and Adult Services may:</td> </tr> <tr> <td style="width: 20px; text-align: center;"><b>b</b></td> <td>Perform the responsibilities of an Area Agency.</td> </tr> <tr> <td style="width: 20px; text-align: center;"><b>b</b></td> <td>Assign the responsibilities of the Area Agency on Aging to an Area Agency on Aging in another Planning and Service Area.</td> </tr> </table> <p><b>B</b> Designate a new Area Agency on Aging in the Planning and Service Area in a timely manner.</p>	<b>1</b>	Provide a plan for the continuity of Area Agency functions and services in the affected Planning and Service Area.	<b>a</b>	If necessary to ensure continuity of services in a Planning and Service Area, for a period of up to 180 days after its final decision to withdraw designation of an Area Agency, the Division of Aging and Adult Services may:	<b>b</b>	Perform the responsibilities of an Area Agency.	<b>b</b>	Assign the responsibilities of the Area Agency on Aging to an Area Agency on Aging in another Planning and Service Area.						
	<b>1</b>	Provide a plan for the continuity of Area Agency functions and services in the affected Planning and Service Area.													
	<b>a</b>	If necessary to ensure continuity of services in a Planning and Service Area, for a period of up to 180 days after its final decision to withdraw designation of an Area Agency, the Division of Aging and Adult Services may:													
	<b>b</b>	Perform the responsibilities of an Area Agency.													
	<b>b</b>	Assign the responsibilities of the Area Agency on Aging to an Area Agency on Aging in another Planning and Service Area.													
	<p><b>1104.3</b> The Division of Aging and Adult Services shall follow appropriate procedures to provide due process to affected parties, as required by the Older Americans Act, if the Division initiates an action or proceeding to revoke the designation of an Area Agency on Aging.</p> <p><b>A</b> The procedures should, at a minimum, provide guidance related to the following:</p> <table border="1" style="margin-left: 20px;"> <tr> <td style="width: 20px; text-align: center;"><b>1</b></td> <td>Notice of an action or proceeding described above</td> </tr> <tr> <td style="width: 20px; text-align: center;"><b>2</b></td> <td>Documentation of the need for the action or proceeding</td> </tr> <tr> <td style="width: 20px; text-align: center;"><b>3</b></td> <td>A public hearing for the action or proceeding</td> </tr> <tr> <td style="width: 20px; text-align: center;"><b>4</b></td> <td>Involvement of the Area Agency on Aging, service providers, and older individuals in the action or proceeding</td> </tr> <tr> <td style="width: 20px; text-align: center;"><b>5</b></td> <td>An appeal of the decision of the State agency in the action or proceeding to the Assistant Secretary</td> </tr> </table> <p><b>B</b> An adversely affected party involved in an action or proceeding described above may bring an appeal on the basis of:</p> <table border="1" style="margin-left: 20px;"> <tr> <td style="width: 20px; text-align: center;"><b>1</b></td> <td>The facts and merits of the matter that is the subject of the action or proceeding</td> </tr> <tr> <td style="width: 20px; text-align: center;"><b>2</b></td> <td>Procedural grounds</td> </tr> </table> <p><b>C</b> In deciding an appeal described above, the Assistant Secretary on Aging may affirm or set aside the decision of the State agency. If the Assistant Secretary on Aging sets aside the decision, and the State agency has taken action to de-designate, or otherwise affect the boundaries of the planning and service areas in the State, the State agency shall nullify the action.</p>	<b>1</b>	Notice of an action or proceeding described above	<b>2</b>	Documentation of the need for the action or proceeding	<b>3</b>	A public hearing for the action or proceeding	<b>4</b>	Involvement of the Area Agency on Aging, service providers, and older individuals in the action or proceeding	<b>5</b>	An appeal of the decision of the State agency in the action or proceeding to the Assistant Secretary	<b>1</b>	The facts and merits of the matter that is the subject of the action or proceeding	<b>2</b>	Procedural grounds
	<b>1</b>	Notice of an action or proceeding described above													
	<b>2</b>	Documentation of the need for the action or proceeding													
	<b>3</b>	A public hearing for the action or proceeding													
	<b>4</b>	Involvement of the Area Agency on Aging, service providers, and older individuals in the action or proceeding													
	<b>5</b>	An appeal of the decision of the State agency in the action or proceeding to the Assistant Secretary													
	<b>1</b>	The facts and merits of the matter that is the subject of the action or proceeding													
	<b>2</b>	Procedural grounds													

<b>1100</b>		<b>Area Agency on Aging Functions</b>		
<b>1105</b>	<b>Operational Procedures for Responsibilities of Area Agencies on Aging</b>			
	<b>1105.1</b>	An Area Agency on Aging must have the ability to carry out a broad range of activities (OAA 305.c.4), which includes the following:		
		<b>A</b>	Developing an Area Plan on Aging that delineates a comprehensive and coordinated system of services based on identified needs in the Planning and Service Area ( <a href="#">See chapter 2000</a> ).	
		<b>B</b>	Developing a service system, building upon the service needs and priorities identified in the Area Plan on Aging. Contracting with and funding agencies to fulfill the needs identified in the Area Plan.	
		<b>C</b>	Serving as the advocate and focal point for older individuals within the Planning and Service Area.	
		<b>D</b>	Area Agencies on Aging must establish or adopt and maintain written policies and procedures that comply with the Division of Aging and Adult Services Policy and Procedure Manual.	
	<b>1105.2</b>	In order to receive funds, the Area Agencies on Aging must prepare a three or four year Area Plan on Aging within their Planning and Service Area, with annual updates to identify and prioritize the needs of older individuals. <b>NOTE:</b> Starting with contract year 2014, a four-year Plan must be submitted. The contents of the Area Plan on Aging are identified in the Division of Aging and Adult Services policy <a href="#">Chapter 2000, Section 2100</a> – Area Plan on Aging.		
	<b>1105.3</b>	The Area Agencies on Aging must provide for the proper and efficient administration of its Area Plan on Aging. ( <a href="#">See chapter 2000</a> )		
		<b>Management</b> - The Area Agency on Aging shall consist of one full-time Director, with the authority and responsibility to carry out the activities outlined in the Area Plan on Aging.		
		<b>1</b>	The director shall engage in activities that are interrelated with aging issues and/or serve the purpose of enhancing programs.	
<b>A</b>		The director must review and approve the following associated with the provision of services provided under the Area Plan on Aging, where applicable:		
		<b>a</b>	The Area Plan on Aging.	
		<b>2</b>	<b>b</b>	All financial reports submitted to the Division of Aging and Adult Services.
		<b>c</b>		Program statistical reports.
		<b>d</b>		Sub-contracts.
<b>e</b>	Payment authorization.			
<b>3</b>	The director should have access to elected officials for addressing aging issues.			
<b>B</b>	<b>Staff</b> - The Area Agency on Aging shall provide for adequate and qualified staff to perform all of its mandatory and statutory responsibilities as an Area Agency on Aging.			

<b>1100</b>		<b>Area Agency on Aging Functions</b>		
<b>Operational Procedures for Responsibilities of Area Agencies on Aging (continued)</b>				
<b>1105</b>	<b>1105.3</b>	<b>C</b>	<b>Administrative-</b> In providing for the proper administration of its Area Plan, the Area Agency on Aging must maintain the following:	
			<b>1</b> Assure that preference is given to older individuals who are most in need.	
			<b>2</b> Develop written policies and procedures to guide its operation as well as those of the service provider. Policies and procedures must contain at least the minimum standards within the Division of Aging and Adult Services policy chapters.	
			<b>3</b> Provide administrative, grievance and hearing procedures for service providers and clients.	
			<b>4</b> Maintain a directory of community focal points for aging services within its Planning and Service Area, if community focal points have been designated.	
			<b>5</b> Enter into contracts to carry out demonstration projects with the Division of Aging and Adult Services with the goal of expanding or improving aging services, where applicable.	
			<b>6</b> Maintain programs and fiscal information and reporting requirements to satisfy both internal and external needs, as follows:	
			<b>a</b> Budgets and budget management	
			<b>b</b> Funding source, service and line item accounting	
			<b>c</b> Summary and or detailed client/service/unit measure and provider data	
	<b>d</b> Unit costs			
	<b>e</b> Volunteer activities			
	<b>1105.4</b>	<b>Develop System-</b> One of the primary functions of the Area Agencies on Aging is to develop and establish a comprehensive and coordinated service delivery system, as follows:		
		<b>A</b>	Develop relationships with local service organizations.	
		<b>B</b>	Advocate for and on behalf of disabled and older adults at the local, state and federal levels.	
		<b>C</b>	Pool resources within the Planning and Service Area.	
		<b>D</b>	Coordinate service delivery systems.	
		<b>E</b>	Solicit for further community services.	
		<b>F</b>	Provide capacity building and technical assistance skills within the community.	
		<b>G</b>	Secure grants and execute contracts to provide identified service.	
<b>H</b>	Develop a plan for delivery of services during emergency/disaster situations.			
<b>1105.5</b>	<b>Advocacy-</b> The Area Agencies on Aging must represent the views, concerns and interest of older individuals at the local level, as follows:			
	<b>A</b>	Monitor, evaluate, and when appropriate, comment on policies, programs, hearings, levies and community actions that affect older individuals.		
	<b>B</b>	Solicit comments from the public on needs of older individuals.		
	<b>C</b>	Represent the interests of older persons at the local level and executive branch officials, public and private agencies or organizations.		
	<b>D</b>	Consult with and support the State's Long Term Care Ombudsman program.		
	<b>E</b>	Undertake activities designed to facilitate the following:		
<b>1</b>		The coordination of plans and activities with other private and public organizations who have the responsibility to older individuals within the Planning and Service Area.		
<b>2</b>		The promotion of new or expanded benefits and opportunities for older individuals.		