

<b>1000</b>		<b>Area Agency on Aging Administrative Standards</b>	
<b>1000</b>	<b>Overview</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>1900</b>		<b>Administrative Mandates</b>	
<b>1901</b>	<b>Overview</b>		
	<p>This chapter provides an outline for the Division of Aging and Adult Services operational policies and procedures for Administrative Mandates.</p> <p>Administrative Mandates include Confidentiality and Disclosure of Information, Unusual Incident Reporting, Client Complaints, Grievances and Appeals.</p>		

<b>1910</b>		<b>Confidentiality and Disclosure of Information</b>	
<b>1910</b>	<b>Overview</b>		
	<p>The Division of Aging and Adult Services maintains the confidentiality of the clients served under the programs of the Division.</p> <p>This section provides an outline for the Division of Aging and Adult Services operational principles and procedures on minimum standards for addressing confidentiality and disclosure of information regarding clients receiving services funded under an approved Area Plan on Aging. This policy chapter is subject to change as additional information and/or regulations are received from the State of Arizona and the U.S. Department of Health and Human Services, Administration on Aging.</p>		

<b>1910</b>		<b>Confidentiality and Disclosure of Information</b>	
<b>1911</b>	<b>Authority and Statutory Requirements</b>		
	<b>1911.1</b>	The information in this section is authorized and governed by the following statutes and regulations:	
		<b>A</b>	Older Americans Act of 1965, as Amended in 2006, P.L. 109-365, § 102, § 305, § 306, § 307, § 308, § 314, § 315, § 321, § 705, § 712, § 721, and § 764; <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>

1910		Confidentiality and Disclosure of Information	
1911	<b>Authority and Statutory Requirement</b>		
	1911.1	<b>B</b>	Code of Federal Regulations, Title 45 Public Welfare, C.F.R. §1321.11 and §1321.51 <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>C</b>	The Freedom of Information Act, 5 U.S.C. § 552 As Amended By Public Law No. 110-175, 121 Stat. 2524 (2007) <a href="http://www.gpo.gov/fdsys/pkg/PLAW-110publ175/pdf/PLAW-110publ175.pdf">http://www.gpo.gov/fdsys/pkg/PLAW-110publ175/pdf/PLAW-110publ175.pdf</a>
		<b>D</b>	Health Insurance and Portability Act of 1996 P.L. 104-191 <a href="http://aspe.hhs.gov/admsimp/pl104191.htm">http://aspe.hhs.gov/admsimp/pl104191.htm</a>
		<b>E</b>	A.R.S. §41-1959, §41-1991 thru §41-1995 <a href="http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=41">http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=41</a> , §46-454 <a href="http://www.azleg.state.az.us/ars/46/00454.htm">http://www.azleg.state.az.us/ars/46/00454.htm</a> § 46- 41 <a href="http://azleg.gov/FormatDocument.asp?inDoc=/ars/46/00141.htm&amp;Title=46&amp;DocType=ARS">http://azleg.gov/FormatDocument.asp?inDoc=/ars/46/00141.htm&amp;Title=46&amp;DocType=ARS</a>
		<b>F</b>	Arizona Administrative Code, Title 6, Chapters 5, 8 and 13 <a href="http://www.azsos.gov/public_services/Title_06/06_table.htm">http://www.azsos.gov/public_services/Title_06/06_table.htm</a>
		<b>G</b>	Department of Economic Security Policy - Unusual Incident Reporting 1-07-02A <a href="http://intranet/appFiles/Policies/pdf/DES-1-07-02A.pdf">http://intranet/appFiles/Policies/pdf/DES-1-07-02A.pdf</a> and 1-07-02B <a href="http://intranet/appFiles/Policies/pdf/DES-1-07-02B.pdf">http://intranet/appFiles/Policies/pdf/DES-1-07-02B.pdf</a>
	1911.2	The Area Agency on Aging must ensure that service providers comply with the following:	
<b>A</b>		A fingerprint based criminal background check shall be completed at time of hire, or as a result of reassignment after hire, on employees and volunteers who have direct contact with juveniles or vulnerable adults including those who are mentally disabled, frail, or have a chronic disease that puts them at risk for abuse (see A.R.S. § 46-141). See also the Arizona Department of Economic Security Special Terms and Conditions - ProFleet and Equipment Services / Optional Auto / Children-Vulnerable Adult / Bonding Area Agency on Aging, section 5.	

1910

### Confidentiality and Disclosure of Information

#### Operational Procedures for Confidentiality and Disclosure of Information

1912.1

An Area Agency on Aging, or entity that such agency has contracted with, shall comply with all applicable State and Federal statutes, rules and regulations regarding the confidentiality, use, or disclosure of applicant or client information.

1912.2

An Area Agency on Aging must have in place procedures to ensure that no information about a client is disclosed by the entity that such agency has contracted with, without the informed consent of the client.

1912.3

An Area Agency on Aging, or entity that such agency has contracted with, is not required to disclose types of information or documents that are exempt from disclosure by a Federal agency under the Federal Freedom of Information Act.

1912.4

An Area Agency on Aging shall not require the entity that such agency had contracted with to provide legal services assistance to reveal any information that is protected by attorney-client privilege.

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1912.5

The following information is considered confidential:

A

The names and addresses of applicants and recipients of service.

B

The type of services provided.

C

Information related to the social and economic conditions or circumstances of an individual.

D

Agency evaluation of information about an individual.

E

Medical data, including diagnosis, past history of disease or disability of an individual.

F

Personally identifiable information entered in the Aging Information Management System (AIMS).

1912.6

Confidential information shall not be released except under the following conditions:

A

To the extent necessary to make claims for public or private assistance or benefits on behalf of the client.

B

Referrals to Adult Protective Services, as required in A.R.S. 46-454.

C

Referrals to law enforcement if a crime may be committed or that a crime has been committed, unless this is privileged information.

D

Written request is made by the applicant, client, or legal guardian. Only information that relates directly to the client shall be released.

E

An emergency situation arises and it is in the best interest of the applicant or client that information is disclosed. The information disclosed and to whom shall be recorded in the case record and the applicant or client shall be notified promptly.

F

Information is requested by persons or agency representatives who are subject to standards of confidentiality comparable to those contained in this chapter. The information disclosed and to whom shall be recorded in the case record and the applicant or client shall be notified promptly.

**Confidentiality and Disclosure of Information**

**Operational Procedures for Confidentiality and Disclosure of Information (continued)**

1912.7

Disclosure of confidential information as identified in section 1912.6 shall be specific and time limited and must be documented in a case record. Documentation in case records must identify the following:

- A** The information that was disclosed. A copy of the written release of information from the party seeking the information shall be part of the case record.
- B** To whom the information was disclosed.
- C** The purpose of the disclosure.
- D** The date and time the information was disclosed.
- E** The name of the individual who made the disclosure to the requesting party.

1912.8

When monitoring entities funded under an approved Area Plan on Aging, an Area Agency on Aging shall not require the entity that such agency has contracted with to disclose information or data about applicants or clients which is not pertinent to the service furnished or payment made. The Area Agency on Aging should use the least intrusive methods possible to obtain the information necessary to fulfill monitoring activities.

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1912.9

Legal assistance providers shall not be required to disclose the information which would be considered privileged and which may include “revealing information relating to the representation of a client, unless the client consents, after consultation, except for disclosures that are implicitly authorized in order to carry out the representation.” Legal assistance providers are legally and ethically prohibited from disclosing information that could identify clients to Area Agency on Aging, or other funding sources. However, there are other types of information that can be released for monitoring purposes and which would not be considered “privileged” as defined by ethical obligations set forth in the Canons of Ethic of the State Bar of Arizona. The following are examples of non-privileged information:

- A** Pleadings, memos, or other data filed with the courts.
- B** Legal documents which have been recorded.
- C** Names, addresses, telephone numbers and narratives of the legal problem if the client provided such information previously to the Area Agency on Aging if it was the agency making the referral to the legal service provider.
- D** Court orders, minutes, entries and other court or public records.
- E** Collected statistical information not identified to a particular client which may include types of services, disposition of cases, type of cases and units of service.
- F** Information that the client has made public through another source, example: client files a complaint about a legal service delivered by another agency or the Area Agency on Aging.

<b>1910</b>			<b>Confidentiality and Disclosure of Information</b>
<b>1913</b>	<b>Operational Procedures for Storage of Confidential Information</b>		
	<b>1913.1</b>	An Area Agency on Aging, or entity that such agency has contracted with, shall ensure the confidentiality of client information. Confidential information shall be maintained in locked files. If electronic records are utilized, confidential information must be secured.	
	<b>1913.2</b>	An Area Agency on Aging shall ensure that the entity that such agency has contracted with retain all data and other records relating to the performance of the contract for a period of five years after the completion of the contract.	

<b>1920</b>			<b>Client Complaint, Administrative Review, and Appeals</b>
<b>1920</b>	<b>Overview</b>		
	<b>1920.1</b>	This chapter provides an outline for the Division of Aging and Adult Services operational principles and procedures on minimum standards that must be included in policies and procedures developed by Area Agency on Aging which address an individual or their responsible person's (hereafter referenced as individual) complaint, administrative review, and appeals process. This policy chapter is subject to change based upon revisions of the Arizona Administrative Code.	

<b>1920</b>			<b>Client Complaint, Administrative Review, and Appeals</b>
<b>1921</b>	<b>Operational Procedures for Area Agency on Aging Requirements</b>		
	<b>1921.1</b>	Area Agency on Aging shall develop and maintain policies and procedures which address complaints, complaint resolutions, and appeals procedures filed by individuals who apply for or receive services funded under an approved Area Plan on Aging.	
	<b>1921.2</b>	Area Agency on Aging shall ensure that the policies and procedures include the following components:	

	<b>1921.2</b>	<b>A</b>	Information about the individual's legal rights regarding making a complaint(s) arising from the delivery of services, including, but not limited to, ineligibility determination, reduction of services, suspension or termination of services, or for the quality of services. The Area Agency on Aging or entity that such agency has contracted with, (hereafter referenced as service providers) must provide written notification of these rights and applicable procedures to individuals who apply for or receive services funded under an approved Area Plan on Aging.
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	<b>B</b>	The opportunity to exercise appeal rights as defined by applicable laws, rules and regulations. The Area Agency on Aging or service provider must provide written notification of these rights and applicable procedures to individuals who apply for or receive services funded under an approved Area Plan on Aging.
	<b>C</b>	Assistance in making informed decisions regarding this process.
	<b>D</b>	Written notification that service provision will not be reduced, suspended or terminated prior to a hearing decision from the appropriate hearing entity, if applicable, unless termination, suspension or reduction was due to funding no longer being available or it was determined that the personal safety of workers providing services was at risk. See also Section 3127.3.
	<b>E</b>	Written documentation of the complaint, attempts to resolve and outcome of the complaint and/or appeal must be retained in the individual's file at the Area Agency on Aging and/or service provider.

<b>1920</b>		<b>Client Complaint, Administrative Review, and Appeals</b>	
<b>Operational Procedures for Client Complaints</b>			
<b>1922</b>	<b>1922.1</b>	An Area Agency on Aging shall establish, and monitor that service providers also adopt, written procedures for which to accept a client complaint and the process for which resolution is to be achieved. The written procedure shall be given to clients. The procedure should include the following components:	
		<b>A</b>	Allow for a client to attempt to resolve complaints at the level where the incident occurred, which may include an opportunity for an informal meeting to resolve the complaint.
		<b>B</b>	If the client's complaint is with the service provider, the client shall first file a written complaint with that service provider within 15 days. The service provider shall respond to the complaint in writing within 30 days.
		<b>C</b>	If the service provider takes no action to resolve the complaint within 30 days, or if the client perceives the complaint is unsatisfactorily resolved, the client shall file a complaint in writing to the Area Agency on Aging within 15 days from the issuance of the service provider's written response.
		<b>D</b>	<p><b>1</b> Upon receipt of a client complaint, the Area Agency on Aging will –objectively review and investigate the complaint, and attempt to resolve the complaint informally. If an informal resolution cannot be reached, the Area Agency on Aging shall issue its written decision within 30 days of the date the complaint was filed with the Area Agency on Aging. OR</p> <p><b>2</b> If the client's complaint is with the Area Agency on Aging, the Area Agency on Aging will attempt to resolve the complaint informally. If an informal resolution cannot be reached, the Area Agency on Aging shall issue its written decision within 30 days of the date the complaint was filed with the Area Agency on Aging.</p>

1920		<b>Client Complaint, Administrative Review, and Appeals</b>	
92	<b>Operational Procedures for Client Complaints</b>		
		<b>E</b>	If the Area Agency on Aging takes no action to resolve the complaint within 30 days, or if the client perceives the complaint is unsatisfactorily resolved, the client shall file a request for Administrative Review from the DES, Division of Aging and Adult Services Assistant Director within 30 days from the issuance of the Area Agency on Aging's written response, in accordance with section 1923.1.

1920		<b>Client Complaint, Administrative Review, and Appeals</b>	
1922	<b>Operational Procedures for Client Complaints (continued)</b>		
	1922.1	<b>F</b>	Written documentation of the complaint, attempts to resolve the complaint and outcome must be documented in the individual's file at the Area Agency on Aging and/or service provider.

1920		<b>Client Complaint, Administrative Review, and Appeals</b>	
1923	<b>Operational Procedures for an Administrative Review resulting from a Client Complaint or Service Provider</b>		
	1923.1		If no resolution to the complaint at the Area Agency on Aging level is possible as identified in section 1922, the individual or service provider has the right to file a request for an <b>Administrative Review</b> with the Department of Economic Security, Division of Aging and Adult Services Assistant Director, or designee. An Area Agency on Aging may also request an Administrative Review if the Division disapproves an Area Plan or plan amendment or to withdraw the Area Agency on Aging's designation.
		<b>A</b>	The request for an administrative review must be submitted in writing to the Department of Economic Security within <b>30</b> days after the mailing date of the Area Agency on Aging's decision. The request shall be directed to: Assistant Director Division of Aging and Adult Services Department of Economic Security P.O. Box 6123 Phoenix, Arizona 85005
<b>B 1</b>	If the Administrative Review is requested by the individual, the Division's Assistant Director or designee shall schedule an administrative review conference to meet with the individual and the service provider and/or Area Agency on Aging. At the administrative review conference, the parties involved may review pertinent evidence on which the action was based. OR		

<b>1920</b>		<b>Client Complaint, Administrative Review, and Appeals</b>	
<b>1920</b>	<b>Operational Procedures for an Administrative Review resulting from a Client Complaint or Service Provider</b>		
	<b>2</b>	If the Administrative Review is requested by the service provider, the Division's Assistant Director or designee shall schedule an administrative review conference to meet with the services provider and the Area Agency on Aging. At the administrative review conference, the parties involved may review pertinent evidence on which the action was based. OR	
	<b>3</b>	If the Administrative Review is requested by the Area Agency on Aging, the Division's Assistant Director or designee shall schedule an administrative review conference to meet with the Area Agency on Aging. At the administrative review conference, the Area Agency on Aging may review pertinent evidence on which the action was based.	
	<b>C</b>	The Division's Assistant Director or designee shall issue a decision in writing within 60 days of the filing of the request for administrative review.	
	<b>D</b>	The written determination and related documentation will be maintained by the Department of Economic Security, Division of Aging and Adult Services in accordance with its record retention policy.	

<b>1920</b>		<b>Client Complaint, Administrative Review, and Appeals</b>	
<b>1924</b>	<b>Operational Procedures for Appeals and Hearings</b>		
	<b>1924.1</b>	The individual has the right to appeal the Department of Economic Security, Division of Aging and Adult Services decision and request a <b>hearing in accordance with Arizona Administrative Code R6-5-2404</b> . The request shall be directed to: Assistant Director Division of Aging and Adult Services Department of Economic Security P.O. Box 6123 Phoenix, Arizona 85005	

<b>1930</b>		<b>Fingerprint Requirement</b>	
<b>1930</b>	<b>Operational Procedures for Fingerprinting</b>		
	<b>1930.1</b>	The Area Agency on Aging must ensure that service providers comply with the following:  <b>A</b> A fingerprint based criminal background check shall be completed at time of hire, or as a result of reassignment after hire, on employees and volunteers and SCSEP participants who have direct contact with vulnerable individuals including those who are mentally disabled, frail, or have a chronic disease that puts them at risk for abuse (see A.R.S. § 46-141). See also the Arizona Department of Economic Security Special Terms and Conditions - Professional Services / Optional Auto / Children-Vulnerable Adult / Bonding Area Agency on Aging, section 5.	