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**IDAPA 15
TITLE 01
CHAPTER 20**

15.01.20 - RULES GOVERNING AREA AGENCY ON AGING (AAA) OPERATIONS

000. AUTHORITY.

Under authority of Section 67-5003, Idaho Code, the ICOA adopts the following rules. (7-1-98)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 15.01.20, "Rules Governing Area Agency on Aging (AAA) Operations." (7-1-98)

02. Scope. These rules relate to the authority, responsibilities, and designation of AAAs. (7-1-98)

002. WRITTEN INTERPRETATION.

This agency may have written statements which pertain to the interpretation of the rules in this chapter. To obtain copies, contact the Idaho Commission on Aging by writing to the Administrator. (3-20-04)

003. ADMINISTRATIVE APPEALS.

The ICOA shall provide AAAs with the opportunity to appeal administrative decisions. (3-20-04)

004. -- 009. (RESERVED).

010. DEFINITIONS.

01. Act. The Idaho Senior Services Act (SS Act). Programs and services established in Section 67-5001, et seq., Idaho Code. (3-20-04)

02. Area Agency on Aging (AAA). Separate organizational unit within a multipurpose agency which functions only for purposes of serving as the area agency on aging that plans, develops, and implements services for older persons within a planning and service area. (3-20-04)

03. Area Plan. Plan describing aging programs and services which an AAA is required to submit to the Idaho Commission on Aging, in accordance with the OAA, in order to receive OAA funding. (3-20-04)

04. Contract. A legally binding, written agreement between two (2) or more parties which outlines the terms and provisions to which both parties agree. (7-1-98)

05. Idaho Commission on Aging (ICOA). State agency that plans, sets priorities, coordinates, develops policy, and evaluates state activities relative to the objectives of the OAA. (3-20-04)

06. Older Americans Act (OAA). Federal law authorizing funding to states for supportive and nutrition services for the elderly. (3-20-04)

07. Planning and Service Area (PSA). ICOA designated geographical area within Idaho for which an AAA is responsible. (3-20-04)

011. -- 019. (RESERVED).

020. PLANNING AND SERVICE AREA (PSA) DESIGNATION.

The ICOA has divided the state into PSAs in accordance with Section 305 of the OAA, as amended. (3-20-04)

021. AAA.

01. AAA Designation. The ICOA shall accept applications for AAA designation in accordance with Section 305 of the OAA. (3-20-04)

02. Revocation of AAA Designation. The ICOA may revoke the designation of an AAA as specified in OAA and the federal regulations thereunder. (3-20-04)

03. Denial of AAA Designation. Any organization denied AAA designation through a competitive bidding process may appeal the decision to the Administrator of ICOA. (3-20-04)

04. Limit on the Number of Area Agencies and PSA's. In order to maximize funding for services that directly benefit the elderly, the number of PSAs and AAAs is limited to six (6). (3-20-04)

022. AAA BUDGET FORMS AND REVISIONS.

01. Budget Forms. Each AAA shall submit, on forms provided by the ICOA, a budget for agency operations. The AAA shall maintain sufficiently detailed budget and expenditure records to respond to requests for information from the ICOA, Administration on Aging, legislators, or the general public. (3-20-04)

02. Budget Revisions. Requests for approval of budget revisions shall be made in writing to the ICOA: (3-20-04)

a. In order to process transfers between Title III programs; (3-20-04)

b. To reflect holdbacks or midyear increases in state or federal spending; or (7-1-98)

c. If there is a change in spending which exceeds ten percent (10%) of any line item in the comprehensive budget summary. (3-20-04)

023. -- 040. (RESERVED).

041. AAA RESPONSIBILITIES.

On behalf of all older persons in the PSA, the AAA shall assume the lead role relative to aging issues. In accordance with the OAA and all pertinent federal regulations, the AAA shall serve as the public advocate for the development and enhancement of comprehensive, coordinated community-based service systems within each community throughout the PSA. (7-1-98)

042. CONTRACT MANAGEMENT REQUIREMENTS.

AAAs shall adhere to all applicable federal contracting and procurement requirements in awarding subcontracts. (3-20-04)

01. Non-Profit Agency Contractors. AAAs may subcontract with private, non-profit agencies that are incorporated as 501(c)(3) organizations. (3-20-04)

02. AAA Provider Subcontracts. All subcontracts between the AAA and service providers shall contain sufficient program and financial information to ensure all activities comply with the Area Plan, the OAA, federal regulations, the SS Act, and the rules of the ICOA. (3-20-04)

03. Contracts Term. Each AAA may award multi-year subcontracts not to exceed four (4) years. (3-20-04)

a. Each AAA shall maintain documentation satisfactory to ICOA that justifies the reason(s) a multi-year subcontract was awarded. Justification for a multi-year subcontract may include, but is not limited to, the following: (3-20-04)

i. More than one (1) year is necessary to complete the project or service; (7-1-98)

ii. More than one (1) year is necessary to justify substantial cost savings; or (3-20-04)

iii. A multi-year subcontract award is necessary to allow a provider the opportunity to increase and

demonstrate capacity to operate a particular service. (3-20-04)

b. No AAA shall continue a multi-year subcontract unless the results of evaluation justify continuance of the subcontract. (3-20-04)

04. AAA Provider Appeals. AAAs shall develop fair and impartial hearing procedures and shall provide an opportunity for a hearing for any organization denied a subcontract with the AAA. (3-20-04)

043. -- 050. (RESERVED).

051. AREA ADVISORY COUNCILS ON AGING.

01. Establishment of Council. The AAA shall establish an advisory council in accordance with the requirements of the OAA, as amended, and all pertinent federal regulations. (7-1-98)

02. Council Meetings. Each advisory council shall meet at least two (2) times each year. (3-20-04)

03. Conflict of Interest. AAA employees, or members of the immediate families of AAA employees, shall not serve on the advisory council. (3-20-04)

04. By-Laws. The advisory council shall adopt and operate according to by-laws. (3-20-04)

052. AREA PLANS.

Each AAA shall submit a four (4) year area plan to the ICOA by close of business January 1, 2002, and by October 15 every four (4) years thereafter. Annual updates shall be submitted by October 15 of each year. The area plan and annual updates shall be submitted in a uniform format prescribed by the ICOA to meet the requirements of the OAA and all pertinent federal regulations. (3-20-04)

053. SERVICE PRIORITY AND APPEALS.

01. Service Priority. Pursuant to the OAA, each AAA shall ensure that all service providers prioritize service delivery to those older individuals having the greatest economic and social need, with particular attention to low-income minority individuals and individuals residing in rural areas. (3-20-04)

02. Denial or Termination of Service. AAAs shall develop fair and impartial hearing procedures and shall provide an opportunity for a hearing for any individual who is denied or terminated from a service. (3-20-04)

054. ELIGIBILITY.

Persons age sixty (60) years and older who are residents of the state of Idaho are eligible for SS Act programs. (3-20-04)

055. AAA ASSESSMENTS OF PROVIDERS.

Every other year each AAA shall conduct, at a minimum, one (1) on-site assessment of each of its providers that receives fifty thousand dollars (\$50,000) or more in combined federal and state funds during a contract year. Such assessments shall comply with the terms of the AAA contract with the ICOA. Such reviews shall be on file for ICOA review. (3-30-07)

056. REPORTING REQUIREMENTS.

01. Reporting Forms. Each AAA shall submit to the ICOA such reports as are specified by the ICOA, in such format and on such schedule as is established by the ICOA, in fulfillment of all federal and state requirements. (7-1-98)

02. Verification of Service Provider Reports. The AAAs shall conduct ongoing verification of service provider reports in accordance with the terms of the contract with the ICOA. (3-20-04)

03. Reporting Deficiencies. If reports are late, incorrect, or incomplete, the ICOA shall withhold funds

from the AAA, in accordance with terms of the contract between the ICOA and the AAA, until a correct report is received by the ICOA. (3-20-04)

057. CIVIL RIGHTS.

Neither the AAAs nor their providers shall violate any state or federal law regarding civil rights and shall provide all services and functions funded by the ICOA, affected by rule of the ICOA or provided for by contract with the ICOA without discrimination on the basis of race, color, national origin, age, gender, physical or mental impairment, or on any other basis prohibited by law. (7-1-98)

058. -- 065. (RESERVED).

066. FINANCIAL MANAGEMENT.

01. Regulations. Area agencies and service providers shall meet the financial management requirements of 45 CFR, 74 and 92. (7-1-98)

02. Allowable Costs. Allowable costs are delineated in the OAA, Cost Principles for Colleges and Universities, OMB Circular A-21, and Cost Principles for Non-Profit Organizations, OMB Circular A-122. These cost principles shall apply to the expenditure of federal funds, as well as any state or local funds which are reported as match for federal funds. In-kind contributions shall benefit the program for which they are reported as match. No expenditure shall be used as match if it has been or will be counted as match for another award of federal or state funds. (3-20-04)

03. Audits. All AAAs and service providers receiving more than three hundred thousand dollars (\$300,000) of federal funds per year shall be audited per the Single Audit Act of 1996 and OMB Circular A-133. (3-20-04)

067. -- 999. (RESERVED).

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