

173-2-03

Monitoring AAAs and sanctions.

(A) ODA shall monitor each AAA to ensure that it complies with its area plan and any applicable state or federal laws, rules, policies, or agreements governing the programs and funds administered by the AAA through grants from, or contracts with, ODA. ODA shall provide each AAA with written notification of any deficiency. Except as otherwise required by state or federal law, ODA shall require the AAA to resolve each deficiency to the satisfaction of ODA using the following process:

- (1) The AAA shall propose a corrective action plan in writing for each deficiency cited by ODA within the time frame specified by ODA.
- (2) The proposed corrective action plan shall include a proposed correction date, describe the manner in which each deficiency will be resolved, and include action steps for ensuring that the deficiency does not recur at a later date.
- (3) ODA shall review the proposed corrective action plan for approval prior to implementation by the AAA. If ODA and the AAA do not reach an agreement on the proposed plan of correction, ODA may issue its own corrective action plan to remedy the deficiency.

(B) ODA shall impose a sanction on any AAA that fails to develop an approved corrective action plan within the required period of time, that fails to follow its approved corrective action plan, or that fails to remedy its deficiency (or deficiencies) within the time period required under the plan. When determining which sanction to impose upon such an AAA, ODA shall consider whether the AAA has a history of deficiencies (even though the deficiencies may be unrelated to one another), the severity of the existing deficiency and other existing deficiencies (if other deficiencies exist), and the reason the AAA has failed to remedy the deficiency and other existing deficiencies (if other deficiencies exist and have also not been remedied). Such a sanction may include the following:

- (1) The imposition of a new corrective action plan prepared by ODA;
- (2) The disallowance of all or a part of the cost of an activity or action that is not in compliance with the terms or conditions of the AAA's grant awards, or state and federal policies and procedures governing the AAA's grant awards;
- (3) The termination of all or part of one or more of the AAA's existing grant awards;
- (4) The withholding of future grant awards to the AAA;
- (5) The de-designation of the AAA; or,
- (6) Any other sanction authorized by state or federal law.

- (C) In the event that ODA finds it necessary to terminate all or part of an AAA's grant awards, ODA shall take any steps necessary to ensure the continuation of any services authorized to be provided with those awards in the PSA served by the AAA. The steps taken by ODA to ensure the continuation of services may include, but are not limited to, directly administering the grant awards or contracting with another AAA to administer the grant awards on behalf of ODA.
- (D) Notwithstanding any other provision of this rule, ODA may immediately sanction an AAA without first offering the AAA an opportunity to correct its deficiencies, whenever the sanctions is required under state or federal law, whenever necessary to protect state and/or federal dollars, or whenever necessary to protect the health, safety, and welfare of service recipients.
- (E) ODA shall provide a written notice and an opportunity for a hearing to any AAA prior to issuing a sanction described in paragraphs (B)(2) to (B)(4) of this rule. Additionally, as outlined in rule 173-2-05 of the Administrative Code, ODA shall provide a written notice and an opportunity for a hearing to any AAA prior to issuing a sanction for de-designation.

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Certification

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