

TO BE RESCINDED

173-2-03

Monitoring area agencies on aging and sanctions.

(A) The department 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, the department. The department shall provide each AAA with written notification of its deficiencies. Except as otherwise required by state or federal law, the department shall require the AAA to resolve each deficiency to the satisfaction of the department using the following process:

- (1) The AAA must propose a corrective action plan in writing for each deficiency cited by the department within the time frame specified by ODA.
- (2) The corrective action plan must 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 reoccur at a later date.
- (3) The corrective action plan must be reviewed and approved by the department prior to implementation by the AAA. If ODA and the AAA cannot agree on an appropriate plan of correction, the department may issue its own plan of correction to remedy the deficiency.

(B) The department shall impose sanctions on an 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 deficiencies within the time period required under the plan. Such sanctions may include:

- (1) The imposition of a new corrective action plan prepared by the department;
- (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 dedesignation of the AAA; or,
- (6) Any other sanctions authorized by state or federal law.

The department shall consider whether a AAA has a history of deficiencies (even though they may be unrelated to one another), the severity of its existing deficiencies, and the reasons for the AAA's failure to remedy its deficiencies when determining which, if any, sanctions to impose upon the AAA.

- (C) In the event that the department finds it necessary to terminate all or part of an AAA's grant awards, the department shall take any steps necessary to ensure the continuation of any services authorized to be provided with those awards in the planning and service area served by the AAA. The steps taken by the department 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 the department.
- (D) Notwithstanding any other provision of this rule, the department may immediately sanction an AAA without first offering the AAA an opportunity to correct its deficiencies, whenever the sanctions are required under state or federal law, or necessary to protect state and/or federal dollars or the health, safety and welfare of service recipients.
- (E) The department shall provide written notice and an opportunity for a hearing to any AAA prior to issuing any sanctions.

Effective:

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Certification

Date

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