

TO BE RESCINDED

173-2-07

Monitoring, corrective-action plans, and sanctions.

- (A) Monitoring: 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 that govern the programs and funds administered by the AAA through grants from, or contracts with, ODA.
- (B) Corrective-action plans: 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 before the deadline specified by ODA.
 - (2) The proposed corrective-action plan shall propose a correction deadline, describe the manner in which the AAA will resolve each deficiency, and include steps the AAA will take to ensure the deficiency does not recur.
 - (3) ODA shall review the proposed corrective-action plan for approval before the AAA implements it. If ODA and the AAA do not reach an agreement on the proposed plan, ODA may issue its own corrective-action plan to remedy the deficiency.
- (C) Sanctions:
- (1) ODA shall impose a sanction on any AAA that fails to develop an approved corrective-action plan before the deadline specified by ODA, fails to follow its approved corrective-action plan, or fails to remedy its deficiency (or deficiencies) before the deadline under its corrective-action plan.
 - (2) When determining what type of sanction to impose upon 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 that have not been remedied).
 - (3) ODA's options for sanctions include:
 - (a) Imposing a new corrective-action plan on the AAA that ODA develops;

- (b) Disallowing 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;
 - (c) Terminating all or part of one or more of the AAA's existing grant awards;
 - (d) Withholding one or more future grant awards to the AAA;
 - (e) De-designating the AAA; or,
 - (f) Enacting any other sanction authorized by state or federal law.
- (4) 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 ODA's behalf.
- (5) ODA may immediately sanction an AAA without first offering the AAA an opportunity to correct a deficiency if an immediate sanction is required under state or federal law; is necessary to protect state or federal dollars; or is necessary to protect the health, safety, and welfare of service recipients.
- (6) ODA shall provide a written notice and an opportunity for a hearing to any AAA before issuing a sanction under paragraphs (C)(3)(b) to (C)(3)(d) of this rule. Additionally, ODA shall provide a written notice and an opportunity for a hearing to any AAA before de-designating the AAA, in accordance with rule 173-2-09 of the Administrative Code.

Effective:

R.C. 119.032 review dates: 06/10/2014

Certification

Date

Promulgated Under:

119.03

Statutory Authority:

173.01, 173.011, 173.02; Section 306(f) of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006; 45 C.F.R. 1321.11 (October 1, 2013 edition)

Rule Amplifies:

173.01, 173.011; 45 C.F.R. 1321.11, 1321.35 (October 1, 2013 edition)

Prior Effective Dates:

As 173:1-2-02, 173:1-2-05, and 173:1-2-07: 10/13/1989 (Emer.), 02/26/1990 (Emer.), 08/24/1990, As 173-2-03: 05/15/2000, 07/12/2007. As 173-2-07: 06/11/2009.