

TO BE RESCINDED

173-3-04

Provider agreements in general.

- (A) Each AAA is authorized to enter into provider agreements to develop and implement a comprehensive and coordinated system of services for consumers and their family caregivers. Each AAA is ultimately responsible to ODA for ensuring that all state and federal funds received from ODA are used in a manner that complies with state and federal laws.
- (B) When entering into a provider agreement, whether a grant or contract, the AAA that is a non-profit agency shall comply with the procurement requirements under 45 C.F.R., Part 74 and the AAA that is a local government agency shall comply with the procurement requirements under in 45 C.F.R., Part 92.
- (C) The AAA shall only enter into a provider agreement that is a purchase-of-service provider agreement, unless the AAA chooses the alternative in paragraph (D) of this rule. "Purchase-of-service provider agreement" means a contract or grant through which a provider is paid for only the services the provider actually delivers based upon a pre-determined price per unit of service delivered. The price paid per unit of service encompasses all elements associated with the production of the unit of service.
- (D) The AAA may use a cost-reimbursement provider agreement as an alternative to a purchase-of-service provider agreement for a chore service, client finding, home maintenance service, home repair service, information and assistance (referrals), mass outreach, socialization, telephoning, visiting; supplemental services funded by Title III, Part E of the Older Americans Act; or any other service approved by ODA. "Cost-reimbursement provider agreement" means a contract or grant through which a provider is paid for services based upon allowable costs related to actual expenditures incurred by the provider to deliver a service, regardless of the number of units of services provided.
- (E) The AAA shall not reimburse a provider for any service unless a valid provider agreement is in place at the time the service is provided. No provider agreement is valid unless and until the agreement is signed by authorized representatives from both the AAA and the provider.
- (F) Except as otherwise provided for in the RFP upon which the provider agreement is based, the AAA shall not increase the amount of reimbursement it pays to a provider for each unit of goods or services provided under an existing multi-year provider agreement.
- (G) The AAA shall not award a multi-year provider agreement that is in effect for more

than a four-year period.

Replaces: 173-3-04
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CERTIFIED ELECTRONICALLY

Certification

05/05/2014

Date

Promulgated Under: 119.03
Statutory Authority: 173.02; 173.04; 173.392; Section 305 (a)(1)(C) 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 (10-01-2013 edition).
Rule Amplifies: 173.04; 173.392; Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006; 45 C.F.R. Parts 74 and 92 (10-01-2013 edition).
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