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Title 22@ Social Security

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Division 1.8@ California Department of Aging

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Chapter 3@ Title III Programs-PSAs and AAAs

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Article 1@ Designation of PSAs and AAAs

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Section 7206@ Designation of AAAs

7206 Designation of AAAs

(a)

The Department shall designate one AAA within each PSA to which to allocate funds. The AAA, under its subgrant award agreement with the Department, shall have the ultimate accountability for funds received from the Department and the responsibility for ensuring the effective and efficient implementation of the Area Plan.

(b)

An AAA shall: (1) Be one of the entities specified in 42 U.S.C. 3025(c). (2) Shall identify itself to the public as an AAA. (3) Engage only in activities which are consistent with federal law and the Department's regulations.

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(2)

Shall identify itself to the public as an AAA.

(3)

Engage only in activities which are consistent with federal law and the Department's regulations.

(c)

When the Department intends to designate an AAA, the following provisions shall apply: (1) The Department first shall offer designation to a unit of general

purpose local government in the PSA providing the conditions specified in (b) exist and the boundaries of the unit and the boundaries of the PSA are reasonably contiguous. (2) If the unit specified in (1) refuses designation, the Department shall designate an interested public or private nonprofit entity as the AAA in accordance with (d) through (g).

(1)

The Department first shall offer designation to a unit of general purpose local government in the PSA providing the conditions specified in (b) exist and the boundaries of the unit and the boundaries of the PSA are reasonably contiguous.

(2)

If the unit specified in (1) refuses designation, the Department shall designate an interested public or private nonprofit entity as the AAA in accordance with (d) through (g).

(d)

At least 30 days prior to the application filing date, the Department shall take both of the following actions: (1) Send written notification to all units of general purpose local government and to all public or private nonprofit agencies involved in serving older individuals in the PSA. The notice shall specify all of the following: (A) The Department's intent to designate an AAA. (B) A description of the PSA's geographic boundaries. (C) In general terms, the federally mandated responsibilities of an AAA. (D) The final date by which interested parties may obtain a detailed request for proposal from the Department. (2) Publish notice of its intention to designate an AAA in the local newspaper with the largest circulation in the PSA.

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public or private nonprofit agencies involved in serving older individuals in the PSA.

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(A)

The Department's intent to designate an AAA.

(B)

A description of the PSA's geographic boundaries.

(C)

In general terms, the federally mandated responsibilities of an AAA.

(D)

The final date by which interested parties may obtain a detailed request for proposal from the Department.

(2)

Publish notice of its intention to designate an AAA in the local newspaper with the largest circulation in the PSA.

(e)

After the period specified in (d), interested parties shall have 60 days in which to submit a detailed proposal. The detailed proposal shall contain specific information regarding the applicant's ability to fulfill the federally mandated requirements of an AAA and sufficient documentation for the Department to make a determination that the entity would be able to successfully function as an AAA. Such documentation shall include, but not be limited to, all of the following: (1) Financial records demonstrating the capability to provide programs for older individuals. (2) A description of the organizational structure demonstrating the

ability to manage programs for older individuals and to comply with 45 CFR 1321.55. (3) A physical description of the facility demonstrating all of the following: (A) Accessibility to older individuals with disabilities. (B) Space sufficient to accommodate the numbers of older individuals who will be utilizing the facility's programs. (C) Convenience and central location to the population that will be served. (4) A description of the number and qualifications of the staff demonstrating that the staff is adequate in number and trained to administer programs for older individuals and to comply with 45 CFR 1321.55. (5) Additional information to demonstrate that the entity has all of the following: (A) The ability to meet all of the assurances required by federal law. (B) Visibility to be recognized for its leadership role by the residents in the PSA. (C) An organizational level of autonomy which permits it to make significant impact on all programs affecting older individuals in the PSA and to carry out its planning and advocacy functions.

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(2)

A description of the organizational structure demonstrating the ability to manage programs for older individuals and to comply with 45 CFR 1321.55.

(3)

A physical description of the facility demonstrating all of the following: (A) Accessibility to older individuals with disabilities. (B) Space sufficient to accommodate the numbers of older individuals who will be utilizing the facility's programs. (C) Convenience and central location to the population that will be served.

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Accessibility to older individuals with disabilities.

(B)

Space sufficient to accommodate the numbers of older individuals who will be utilizing the facility's programs.

(C)

Convenience and central location to the population that will be served.

(4)

A description of the number and qualifications of the staff demonstrating that the staff is adequate in number and trained to administer programs for older individuals and to comply with 45 CFR 1321.55.

(5)

Additional information to demonstrate that the entity has all of the following: (A) The ability to meet all of the assurances required by federal law. (B) Visibility to be recognized for its leadership role by the residents in the PSA. (C) An organizational level of autonomy which permits it to make significant impact on all programs affecting older individuals in the PSA and to carry out its planning and advocacy functions.

(A)

The ability to meet all of the assurances required by federal law.

(B)

Visibility to be recognized for its leadership role by the residents in the PSA.

(C)

An organizational level of autonomy which permits it to make significant impact on all programs affecting older individuals in the PSA and to carry out its planning and advocacy functions.

(f)

During the 60 day period specified in (e), the Department shall take both of the following actions: (1) Solicit the views on the Department's intent to designate a

new AAA from units of general purpose local government in the PSA. (2) Conduct a public hearing using the procedures specified in Section 7204(a)(1) to obtain public input on the Department's intent to designate a new AAA.

(1)

Solicit the views on the Department's intent to designate a new AAA from units of general purpose local government in the PSA.

(2)

Conduct a public hearing using the procedures specified in Section 7204(a)(1) to obtain public input on the Department's intent to designate a new AAA.

(g)

Within 30 days of the end of the period specified in (e), the Department shall review the proposals it has received and announce its intent to designate in accordance with the following: (1) An on-site review of the entity shall be conducted if the documentation submitted in the proposal and the public input from the public hearing is insufficient or inconsistent. (2) The Department shall select the entity that has demonstrated, pursuant to the criteria in the request for proposal, the best ability to comply with federal requirements and provide services to older individuals, taking into account the views offered by units of general purpose local government and the public input received at the public hearing. Preference shall be given to an established office on aging unless it cannot demonstrate the capacity to carry out federal requirements.

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(h)

An applicant who is denied AAA designation may appeal the adverse determination using the State hearing process specified in Chapter 5.