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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 6@ Sanctions

|-&gt;

Section 7429@ Suspensions

## 7429 Suspensions

### (a)

The Department shall suspend an AAA's grant in whole or in part, by temporarily withdrawing its authority to obligate certain previously awarded grant funds before that authority would otherwise expire, under either of the following circumstances: (1) The Department has temporarily withheld funds in accordance with Section 7427 and the AAA, during the period of time specified in Section 7427(c), has not demonstrated that corrective action has been taken or presented a plan that demonstrates to the Department's satisfaction that corrective action will be taken at the earliest possible time. (2) The AAA's noncompliance has the potential to cause a threat to the health, safety or welfare of the older individuals being served if not immediately corrected.

### (1)

The Department has temporarily withheld funds in accordance with Section 7427 and the AAA, during the period of time specified in Section 7427(c), has not demonstrated that corrective action has been taken or presented a plan that demonstrates to the Department's satisfaction that corrective action will be taken at the earliest possible time.

### (2)

The AAA's noncompliance has the potential to cause a threat to the health, safety or welfare of the older individuals being served if not immediately corrected.

**(b)**

At least 10 calendar days prior to the effective date of a suspension, the Department shall mail to the AAA a Notice of Intent to Suspend which meets the requirements specified in Section 7706(a) and includes the following additional information: (1) The length of the suspension, which shall not exceed 180 days. (2) The corrective actions that must be taken during the suspension. (3) The appropriate of either of the following: (A) The obligations and expenditures for which the Department will allow funds during the suspension period and which shall include only those costs necessary for the continued provision of services to older individuals. (B) The Department is exercising its authority under 42 U.S.C. 3026(e) (3) (A) and will directly administer the AAA's programs. (4) The AAA's right to request that the Department hold a public hearing and/or State hearing, providing the request(s) is made within 10 calendar days of receipt of the Notice of Intent to Suspend. (5) That the Department will stay its action to suspend upon receipt of a timely request for either, or both, a public hearing and/or State hearing. The stay shall remain in effect until the Director renders a final decision after the due process procedures are completed.

**(1)**

The length of the suspension, which shall not exceed 180 days.

**(2)**

The corrective actions that must be taken during the suspension.

**(3)**

The appropriate of either of the following: (A) The obligations and expenditures for which the Department will allow funds during the suspension period and which shall include only those costs necessary for the continued provision of services to older individuals. (B) The Department is exercising its authority under 42 U.S.C. 3026(e) (3)

(A) and will directly administer the AAA's programs.

**(A)**

The obligations and expenditures for which the Department will allow funds during the suspension period and which shall include only those costs necessary for the continued provision of services to older individuals.

**(B)**

The Department is exercising its authority under 42 U.S.C. 3026(e) (3) (A) and will directly administer the AAA's programs.

**(4)**

The AAA's right to request that the Department hold a public hearing and/or State hearing, providing the request(s) is made within 10 calendar days of receipt of the Notice of Intent to Suspend.

**(5)**

That the Department will stay its action to suspend upon receipt of a timely request for either, or both, a public hearing and/or State hearing. The stay shall remain in effect until the Director renders a final decision after the due process procedures are completed.

**(c)**

In addition to the items specified in (b) (3) (A), the Department shall also allow funds for the costs resulting from obligations which meet all of the following conditions. The costs were:(1) Properly incurred by the AAA before the effective date of the suspension. (2) Not incurred in anticipation of the suspension. (3) Allowable had the award not been suspended.

**(1)**

Properly incurred by the AAA before the effective date of the suspension.

**(2)**

Not incurred in anticipation of the suspension.

**(3)**

Allowable had the award not been suspended.

**(d)**

If within 30 days prior to the ending date of the suspension, the AAA has not demonstrated that corrective action has been taken or presented a plan that demonstrates to the Department's satisfaction that corrective action will be taken at the earliest possible time, the Department shall send notification of the commencement of revocation of AAA designation in accordance with Section 7212.

**(e)**

Notwithstanding (d), if the AAA demonstrates to the Department's satisfaction that corrective action has been taken, or presents a plan that demonstrates that corrective action will be taken at the earliest possible time, prior to the end of the suspension period, the Department shall terminate the suspension and restore funding authority to the AAA.

**(f)**

Nothing in this section or Section 7427 shall be construed to prohibit the Department from initiating revocation of AAA designation proceedings at any time the Department determines that the AAA's noncompliance meets any of the following conditions: (1) The noncompliance poses an immediate threat to the safety, health or welfare of the older individuals being served. (2) The failure on the part of the AAA to comply has been determined by the Department to be flagrant and deliberate. (3) There is clear evidence of fraud or malfeasance on the part of the AAA.

**(1)**

The noncompliance poses an immediate threat to the safety, health or welfare of the older individuals being served.

**(2)**

The failure on the part of the AAA to comply has been determined by the Department to be flagrant and deliberate.

**(3)**

There is clear evidence of fraud or malfeasance on the part of the AAA.

**(g)**

If the AAA files a timely request for any of the due processes pursuant to (b), the Department shall take one of the following actions, as appropriate: (1) If the AAA requests only a public hearing, the Department shall follow the public hearing procedures specified in Section 7204(a) (1). Within 30 days following the public hearing, the Director shall review the testimony presented and the Department's reasons for proposing the suspension and render a final decision. In the final decision the Director shall order that either: (A) The proposed suspension be terminated. (B) The proposed suspension take effect immediately. (2) If the AAA requests only a State hearing, the provisions in Chapter 5 shall apply. (3) If the AAA requests both a public hearing and a State hearing, the Department shall first hold a public hearing following the procedures specified in Section 7204(a) (1). Within 30 days following the public hearing, the Director shall review the testimony presented and the Department's reasons for proposing the suspension and take one of the following actions: (A) Terminate the proposed suspension action. (B) Refer the State hearing request to an external hearing officer to be processed in accordance with Chapter 5.

**(1)**

If the AAA requests only a public hearing, the Department shall follow the public

hearing procedures specified in Section 7204(a) (1). Within 30 days following the public hearing, the Director shall review the testimony presented and the Department's reasons for proposing the suspension and render a final decision. In the final decision the Director shall order that either: (A) The proposed suspension be terminated. (B) The proposed suspension take effect immediately.

**(A)**

The proposed suspension be terminated.

**(B)**

The proposed suspension take effect immediately.

**(2)**

If the AAA requests only a State hearing, the provisions in Chapter 5 shall apply.

**(3)**

If the AAA requests both a public hearing and a State hearing, the Department shall first hold a public hearing following the procedures specified in Section 7204(a) (1). Within 30 days following the public hearing, the Director shall review the testimony presented and the Department's reasons for proposing the suspension and take one of the following actions: (A) Terminate the proposed suspension action. (B) Refer the State hearing request to an external hearing officer to be processed in accordance with Chapter 5.

**(A)**

Terminate the proposed suspension action.

**(B)**

Refer the State hearing request to an external hearing officer to be processed in accordance with Chapter 5.