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Title 22@ Social Security

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Division 7@ Health Planning and Facility Construction

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Chapter 1@ Health Planning and Resources Development

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Article 2@ Advisory Health Council

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Section 90107@ Criteria for Designation of Area Agencies

## **90107 Criteria for Designation of Area Agencies**

### **(a)**

The Council, in designating area agencies, shall consider but not be limited to the following criteria. Area agencies shall: (1) Have Office-approved written policies relating to the performance of functions under this chapter which shall include but not be limited to provisions for: (A) A board of directors, or governing body including the duties, number, and qualifications of members. (B) Membership composition of the board of directors or governing body which sets forth that: 1. Both the consumer membership and the provider membership shall be broadly representative of the community and to the maximum extent possible shall be representative of social, economic, linguistic, and racial populations in the proportion in which they exist in the population of the area. 2. The membership should be broadly representative of the provider community and the major purchasers of health care in the area. 3. Members shall be residents of the area and be broadly representative of geographic subdivisions. (C) Replacement of members, including term of office, replacement due to expiration of term, vacancies, removals, absenteeism, resignation, and death. (D) Standing committees and ad hoc or task force groups. (E) Conflict of interest and incompatible activities, including: 1. A statement substantially similar to the Office's Incompatible Activities Statement. 2. A mechanism for financial disclosure by designated officers, employees, and consultants substantially similar to that

found in the Office's Conflict of Interest Code. 3. A disqualification mechanism substantially similar to that found in the Office's Conflict of Interest Code. (F) Training of volunteers serving on review and planning committees. (G) Responsibilities of the board of directors or governing body, including provisions that the governing body shall:

1. Have adequate resources to augment the funds allocated by the Office to perform the functions required by this chapter. Such resources shall not be from any nongovernmental source which has a financial, fiduciary, or other interest in the development, expansion, operation, maintenance, or support of health resources unless the source is an entity described in Section 509(a) of the Internal Revenue Code of 1954 and the entity is not directly engaged in the provision of health care in the agency area.
2. Have separate budgets for planning and for project review.
3. Demonstrate a capability for fulfilling satisfactorily the functions set forth in this chapter.
4. Assure to the greatest extent possible community support.
5. Have an affirmative action plan and a policy of nondiscrimination in performing the activities of the agency in accordance with the provisions of this chapter.

(2) Be able and willing to contract with the Office.

**(1)**

Have Office-approved written policies relating to the performance of functions under this chapter which shall include but not be limited to provisions for:

(A) A board of directors, or governing body including the duties, number, and qualifications of members.

(B) Membership composition of the board of directors or governing body which sets forth that:

1. Both the consumer membership and the provider membership shall be broadly representative of the community and to the maximum extent possible shall be representative of social, economic, linguistic, and racial populations in the proportion in which they exist in the population of the area.
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membership should be broadly representative of the provider community and the major purchasers of health care in the area. 3. Members shall be residents of the area and be broadly representative of geographic subdivisions. (C) Replacement of members, including term of office, replacement due to expiration of term, vacancies, removals, absenteeism, resignation, and death. (D) Standing committees and ad hoc or task force groups. (E) Conflict of interest and incompatible activities, including: 1. A statement substantially similar to the Office's Incompatible Activities Statement. 2. A mechanism for financial disclosure by designated officers, employees, and consultants substantially similar to that found in the Office's Conflict of Interest Code. 3. A disqualification mechanism substantially similar to that found in the Office's Conflict of Interest Code. (F) Training of volunteers serving on review and planning committees. (G) Responsibilities of the board of directors or governing body, including provisions that the governing body shall: 1. Have adequate resources to augment the funds allocated by the Office to perform the functions required by this chapter. Such resources shall not be from any nongovernmental source which has a financial, fiduciary, or other interest in the development, expansion, operation, maintenance, or support of health resources unless the source is an entity described in Section 509(a) of the Internal Revenue Code of 1954 and the entity is not directly engaged in the provision of health care in the agency area. 2. Have separate budgets for planning and for project review. 3. Demonstrate a capability for fulfilling satisfactorily the functions set forth in this chapter. 4. Assure to the greatest extent possible community support. 5. Have an affirmative action plan and a policy of nondiscrimination in performing the activities of the agency in accordance with the provisions of this chapter.

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The membership should be broadly representative of the provider community and the major purchasers of health care in the area.

**3.**

Members shall be residents of the area and be broadly representative of geographic subdivisions.

**(C)**

Replacement of members, including term of office, replacement due to expiration of term, vacancies, removals, absenteeism, resignation, and death.

**(D)**

Standing committees and ad hoc or task force groups.

**(E)**

Conflict of interest and incompatible activities, including: 1. A statement substantially similar to the Office's Incompatible Activities Statement. 2. A mechanism for financial

disclosure by designated officers, employees, and consultants substantially similar to that found in the Office's Conflict of Interest Code. 3. A disqualification mechanism substantially similar to that found in the Office's Conflict of Interest Code.

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A disqualification mechanism substantially similar to that found in the Office's Conflict of Interest Code.

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Training of volunteers serving on review and planning committees.

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Have separate budgets for planning and for project review.

**3.**

Demonstrate a capability for fulfilling satisfactorily the functions set forth in this chapter.

**4.**

Assure to the greatest extent possible community support.

**5.**

Have an affirmative action plan and a policy of nondiscrimination in performing the activities of the agency in accordance with the provisions of this chapter.

**(2)**

Be able and willing to contract with the Office.