

Subject	Designation and Changes to Area Agencies on Aging		No.	PO.AD.03
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Version	Revision Date	Description of Change	Author	

**Purpose:**

To establish procedures for the designation and changes to the designation of Area Agencies on Aging (AAA) in accordance with Code of Federal Regulation (CFR) 45 Part 1321.19 and 45 Part 1321.21.

**Scope:**

This policy applies to the Idaho Commission on Aging as the State Unit on Aging responsible for the administration of programs under the Older Americans Act.

**Policy Statement:**

In accordance with the Older American’s Act and The Idaho State Senior Services Act, the Idaho Commission on Aging shall designate one Area Agency on Aging (AAA) to serve each planning and service area (PSA). An AAA may serve more than one PSA but must maintain separate funding, planning, and advocacy responsibilities for each PSA.

**Definitions:**

- AAA: Area Agency on Aging
- ICOA: Idaho Commission on Aging
- OAA: Older Americans Act
- PSA: Planning and Service Area
- SSA: State Senior Services Act
- RFP: Request for Proposal

**Procedures:**

**1. An area agency on aging may be any of the following types of organizations:**

- a) An established office on aging which is operating within a planning and service area;
- b) Any office or agency of a unit of general purpose local government, which is designated to function for the purpose of serving as an area agency on aging by the chief elected official of such unit;
- c) Any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act on behalf of such combination for such purpose; or
- d) Any non-State, local public, or nonprofit private agency in a planning and service area, or any separate organizational unit within such agency, which is under the supervision or direction for this purpose of the designated State agency, and which

demonstrates the ability and willingness to engage in the planning or provision of a broad range of services under the Act within such planning and service area.

## **2. Designation of Area Agencies on Aging:**

- **Application Process:** The Idaho Commission on Aging will follow the established State of Idaho Request for Proposal process as the application process for entities seeking designation as an AAA as outlined in the Rules of the Division of Purchasing 38.05.01. The ICOA may work in conjunction with the Idaho Division of Purchasing in adherence to the State Procurement Act, Idaho Code Title 67, Chapter 92.
- **Notification:** Notices regarding the Request for Proposal application process are posted electronically on the State of Idaho designated e-procurement system and otherwise in accordance with Section 67-9221, Idaho Code.
- **Consultation:** The views of units of local general-purpose government will be obtained and considered within the RFP process. This documentation can be submitted by the applicant in response to the RFP.
- **Right of First Refusal:** The ICOA will give right of first refusal to a unit of general-purpose local government if it demonstrates the ability to meet the requirements through the RFP application and if the boundaries are reasonably contiguous. This right does not supersede the RFP application process. The unit of general-purpose local government must apply and adhere to the RFP requirements and process.
- **Preference:** If the unit of general-purpose local government declines, the ICOA will give preference to an established office on aging. This preference does not supersede the RFP application process. The established office on aging must apply and adhere to the RFP requirements and process. If more than one established office on aging applies, the RFP process will contain evaluation criteria to determine the successful applicant.
- **State Agency Assumption:** If no successful applicants are identified, the ICOA may assume the responsibilities of the AAA in accordance with Section 4.e below.
- **Appeals Process:** The appeals process for affected parties will follow the Idaho State Procurement Act and Rules of the Idaho Division of Purchasing.

## **3. Voluntary Relinquishment of Designation:**

The ICOA will accept the voluntary relinquishment of an AAA designation in writing, which will be considered as the withdrawal of the designation. The ICOA will provide written acceptance of the voluntary withdrawal of designation. If the AAA voluntarily withdraws their designation, they are not entitled to any further due process. The ICOA will:

- a) Develop a plan for the continuity of area agency functions and services in the affected planning and service area in accordance with OAA Rules and Regulations.
- b) Submit a State Plan amendment as set forth in § 1321.31(b) or State plan as set forth in § 1321.33 as required; and

- c) Designate a new area agency in the planning and service area in a timely manner using this policy.

#### **4. Withdrawal of Designation:**

The ICOA may withdraw an AAA designation in accordance with the procedures outlined in 45 CFR § 1321.21.

##### **a) Conditions for Withdrawal of Designation:**

- The ICOA may withdraw the designation of an AAA if it fails to comply with the requirements of the Older Americans Act or the State plan.
- An area plan or plan amendment is not approved;
- There is substantial failure in the provisions or administration of an approved area plan to comply with any provision of the Act, regulations and other guidance as set forth by the Assistant Secretary for Aging, terms and conditions of Federal grant awards under the Act, or policies and procedures established and published by the State agency on aging;
- Activities of the area agency are inconsistent with the statutory mission prescribed in the Act;
- The ICOA changes one or more planning and service area designations in accordance with policy PO.AD.02 ; or
- The area agency voluntarily requests the State agency withdraw its designation.

##### **b) Appeals Process:**

- ICOA will provide written notice to the AAA, specifying the reasons for the withdrawal and the effective date.
- The AAA may appeal the withdrawal decision by submitting a written request for a hearing within 10 business days of receiving the notice.
- The ICOA will conduct a hearing and issue a final decision within 90 days of receiving the appeal request.

##### **c) Interim Administration:**

- During the appeal process, the ICOA may appoint an interim administrator to ensure the continuity of services.
- The interim administrator will have the authority to manage the AAA's programs and operations until a final decision is made.

##### **d) Designation Process:**

- If the withdrawal is upheld, the ICOA will initiate the process to designate a new AAA for the affected PSA by following Section 2 of this policy.

e) **State Agency Administration:**

- If necessary to ensure continuity of services in a planning and service area as a contingency, the ICOA may, for a period of up to 180 days after its final decision to withdraw the designation of an area agency:
  - Perform the responsibilities of the area agency; or
  - Assign the responsibilities of the area agency to another agency in the planning and service area.
  - Request the Assistant Secretary for Aging extend the 180-day period in writing by demonstrating to the satisfaction of the Assistant Secretary for Aging a need for the extension. Need for the extension may include the ICOAs reasonable but unsuccessful attempts to procure an applicant to serve as the area agency.

**Accountability and Transparency:**

The ICOA will ensure that all policies and procedures related to the designation and changes to the designation of AAAs are transparent and provide due process to all affected parties.

**Review and Amendments:**

This policy shall be reviewed every four years and amended as necessary to reflect changes in federal statutes, regulations, or state agency operations.