

AGING, DEPARTMENT ON [17]

Adopted and Filed

Pursuant to the authority of Iowa Code section 231.23, the Department on Aging proposes to amend Chapter 6, “Area Agency on Aging Planning and Administration,” Iowa Administrative Code.

The proposed amendments will do the following:

1. Modernize the notice requirements for area plan hearings. Under the current rule, area agencies on aging are required to publish notice of hearing on an area plan in the newspaper of each county served by the area agency on aging. The amended rule removes this requirement and instead requires area agencies on aging to send notice to all known groups of older individuals, public officials, and other interested parties 14 business days prior to the public hearing and in accordance with any applicable state or federal laws and regulations governing the public hearing process.
2. Provide a current address for the Department’s official Web site.
3. Correct a reference to the name of Office of the State Long-Term Care Ombudsman Program. Under the current rule, the program is incorrectly referred to as the Long-Term Care Resident’s Advocate Program.
4. Add the service of options counseling to the current list of services that can be provided directly by an area agency on aging without prior approval from the Department.
5. Merge the public hearing provisions of rules 17—6.2(231) and 17—6.12(231).

Notice of Intended Action was published in the January 20, 2016, Iowa Administrative Bulletin as ARC 2365C

The Department received comments from one respondent during the comment period. A summary of the comments and the Department’s response are as follows:

Comments: The respondent was in opposition to the removal of the requirement that area agencies on aging are required to publish notice of hearing on an area plan in the newspaper of each county served by the area agency on aging

The respondent cited a 2012 survey that concluded that 85 percent of Iowans read their local newspaper and that 86 percent believe that public notices should be included in newspapers. The respondent believes that public notice advertising in the newspaper was cost-effective way to reach citizens and their searchable internet site also added additional value.

Department response: The newspaper publication requirement has not been translating to participation in the Area Plan hearings. For the State Fiscal Year 2014 and 2015, the Area Agencies on Aging published notice of their Area Plan hearings in a newspaper 254 times. 50 percent of the Area Plan hearings were not attended by anyone in spite of publishing notice in newspapers. Only 30 percent of the Area Plan hearings had 2 or more participants.

The revised rules do not prohibit AAA’s from posting notice in newspapers. However, the proposed rules do provide additional flexibility in the manner in which public notice may be provided, which will be monitored by the IDA. The goal of the IDA is to increase the participation by the general public in the AAA area plan process and to allow other cost effective methodologies in the notification of the general public related to local area plan public hearings.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions found in 17—Chapter 11.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 231.23.

The following amendments are proposed.

ITEM 1. Amend subrule 6.2(7) as follows:

6.2(7) Procedures for area plans, plan amendments and revisions.

a. Public hearing(s). The AAA shall hold at least one public hearing on the area plan and all plan amendments as required in this chapter. Priority services and direct service requests shall appear as a distinct agenda ~~item~~ items for any hearing.

(1) The public hearing(s) shall be held prior to submission of the area plan or amendment(s) at a time which permits older individuals, public officials, and other interested parties reasonable opportunity to participate. The hearing(s) shall be held at a barrier-free, fully accessible location.

(2) The AAA shall ~~advertise~~ provide notice, in accordance with Iowa Code section 21.4(1), of the hearing by sending notice to all known groups of older individuals, PSA public officials, and other interested parties. The AAA shall also publish a notice in the official newspapers as designated for each county served by the PSA. The notice shall be issued 14 business days prior to the public hearing and include the time, date, and location of the public hearing. The AAA shall comply with any applicable state or federal laws and regulations governing public hearing processes and procedures.

(3) ~~The hearing on the area plan shall include the priority services and priority services requirement as a distinct agenda item with a specific time set for the beginning of that portion of the hearing. The AAA shall prepare and submit to the department a written record of the public hearing in accordance with instructions issued by the department.~~

b. Review and comment by the advisory council.

(1) The AAA shall submit the area plan, amendments and revisions for review and comment to the AAA advisory council.

(2) The official representative of the AAA shall sign the plan, amendment or revision to signify that the AAA has completed all of the requirements of this chapter. The AAA shall then submit the area plan, amendment or revision to the department for review.

ITEM 2. Amend rule 17—6.5(231) as follows:

17—6.5(231) AAA contact information. Information on how to contact the appropriate AAA office may be obtained by sending a request to the Department on Aging, Jessie Parker Building, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319; or by telephone at (515)725-3333; or by visiting the department's Web site www.aging-iowa.gov, www.iowaaging.gov.

ITEM 3. Amend paragraph **6.6(2)“f”** as follows:

f. Coordinate planning by individuals, agencies and organizations interested in the prevention of abuse, neglect and exploitation of older individuals and assist in implementation of educational and awareness activities, in coordination with the office of the state long-term care resident's advocate ombudsman program;

ITEM 4. Amend subrule 6.12(1) as follows:

6.12(1) An AAA must submit a request to provide direct service as part of the area plan. The request may be approved by the department based on documentation of the criteria given in subrule ~~6.12(3)~~ 6.12(2). The following services may be furnished directly by the AAA and are exempt from the requirements in subrule ~~6.12(3)~~ 6.12(2):

- a.* Information and assistance;
- b.* Outreach;
- c.* Case management;
- d.* Advocacy representation;
- e.* Public education;
- f.* Employment services;
- g.* Mental health outreach;
- h.* Coordination of efforts concerning the prevention of elder abuse;
- i.* Options counseling.

ITEM 5. Rescind subrule **6.12(2)**.

ITEM 6. Renumber subrules **6.12(3)** and **6.12(4)** as **6.12(2)** and **6.12(3)**.