

# Georgia Department of Human Resources Division of Aging Services

## Section 90 State Agency Operations, Policies and Procedures

<b>§92 Designation of Planning and Service Areas and Area Agencies on Aging</b>	<b>July 2003</b>
---	------------------

### §92.1 Scope and Purpose

The Older Americans Act of 1965, as amended, Public Law 89-73, 42 U.S.C. § 3001, et seq. requires State Units on Aging to develop policies and procedures for designation and withdrawal of designation of planning and service areas (PSAs) and area agencies on aging.<sup>1</sup> The purpose of this policy is to establish the procedures of the Department of Human Resources Division of Aging Services to designate both planning and service areas and area agencies on aging and for withdrawal of designation in accordance with federal law and regulations.

### §92.2 Authority

Public Law 89-73, Older Americans Act (OAA) of 1965, as amended, 42 U.S.C. §§ 3001, 3025, et. seq; United States Department of Health and Human Services Code of Federal Regulations (OAA Regulations); Title 45 CFR §§1321.29, 1321.33, 1321.35; O.C.G.A. §§49-6-1, et. seq; the Georgia Administrative Procedures Act, O.C.G.A. §50-13-1, et. seq., §§50-13-2 (2), 50-13-19, and 50-13-41(d). These policies and procedures supercede Division of Aging Services Procedural Issuance 59, "Older Americans Act Hearing Procedures," March 1990, and Procedural Issuance 117, "Procedures for Designating Planning and Service Areas (PSAs) and Area Agencies on Aging (AAAs).

### §92.3 Definitions

The following terms and definitions are used in this chapter in stating the policies and procedures for designation and withdrawal of designation.

- (a) "Area Agency on Aging" – means an area agency on aging designated under Section 305(a)(2)(A) of the Older Americans Act or a State agency performing the functions of an area agency on aging under Section 305(b)(5). An area agency may be an agency whose single purpose is to administer programs for older persons or a separate organizational unit within a multi-purpose agency which functions only for the purpose of serving as the area agency on aging.
- (b) "Planning and Service Area" – means an area designated by a State agency under Section 305(a)(1)(E), including a single planning and service area described in Section 305(b)(5)(A) of the Older Americans Act.
- (c) "Department" – means the Department of Human Resources.

---

<sup>1</sup> Refer to Appendix 92-A for currently designated Planning and Service Areas and Area Agencies on Aging.

- (d) “Division” – means the Division of Aging Services of the Department of Human Resources, designated by the Governor as the State Unit on Aging (SUA) and further described in O.C.G.A. §49-6-1, et. seq. The Division provides funding for planning and services areas operated by Area Agencies on Aging to develop and administer programs to meeting the unique needs of the elderly residing in those areas.
- (e) “Service provider”– means an entity that is awarded a grant or subcontract from an Area Agency on Aging to provide services under an area plan.
- (f) “State agency” -- means the agency designated under §305(a)(1) of the Older Americans Act.

#### §92. 4 Policy Statement

It is the policy of the Division of Aging Services that the Division and the Area Agencies on Aging will comply with Older Americans Act and regulations for the designation and withdrawal of designation of area agencies on aging and planning and service areas.

#### §92.5 Regional Boundaries

##### §92.5.1 Relationship between DHR Regional Boundaries and DAS Planning and Services Areas

The Board of the Department of Human Resources shall designate regional boundaries for service delivery areas for its operating divisions and offices. The Department of Human Resources Division of Aging Services has designated twelve planning and service areas that comport to the Department’s regions. The Division has designated twelve units of general purpose local government with populations of 100,000 or more. Should Departmental boundaries change, public agencies of units of general purpose local government have the right of first refusal for new area agency on aging designation, where the boundaries of the unit of general purpose local government and the boundaries of the planning and service area are reasonably contiguous.

##### §92.5.2 Procedures for Changing Regional Boundaries

When the Board of the Department of Human Resources changes or the Division changes or proposes to change operating regions or the boundaries of the existing planning and service areas, the Division will follow certain procedures in order to comply with both Departmental policy and federal mandates. The Division must:

- (a) Provide reasonable notice of the proposed boundary change. Each area agency on aging affected by the proposed change will be sent notice of the intent to designate new DHR boundaries and PSAs and, if necessary, to designate new area agencies on aging in the PSAs that are not already contiguous with the new DHR districts;
- (b) Document the need for the proposed change;

- (c) Arrange for and conduct public hearings in appropriate locations, in consultation with those area agencies affected by the proposed boundary changes and solicit public comment on the proposed changes;
- (d) Involve area agencies on aging, service providers, and older individuals in the planning and service area in the action or proceeding;
- (e) Designate officially the Planning and Service Areas;<sup>2</sup> and
- (f) Provide to an adversely affected party for an appeal of the Division's decision to the Assistant Secretary for Aging of the U.S. Department of Health and Human Services.

## **§92.6 Designation and Redesignation of Planning and Service Areas**

### **§92.6.1 Status of Existing PSAs**

Existing PSAs shall continue to be designated unless the designation of additional PSAs is necessary for the assurance of the efficient and effective administration of the programs authorized by the Older Americans Act. The Division has taken into account the following factors in the designation of PSAs:

- (a) the distribution of the State's adult age 60+ population, including those with incomes below the Bureau of Census poverty level;
- (b) the views of public officials of the units of general purpose local government;
- (c) the need for supportive services and the resources available to provide such services;
- (d) the boundaries of existing areas within the State which were drawn for planning or administration of supportive service programs;
- (e) the location of units of general purpose local government within the State; and
- (f) any other relevant factors.

### **§92.6.2 Designation of Additional PSAs**

If the Division determines that designation of additional PSAs is required:

- (a) A proposed PSA shall be contiguous with, a combination of, or a subdivision of an existing planning region established by the Department;

---

<sup>2</sup> Designation of new AAAs could occur concurrently with the process of designating PSAs, in which case the Division would offer to units of general purpose local government the right of first refusal to be designated as area agency on aging, per the Older Americans Act. See §92.10.

- (b) The Division will document the basis for the designation of each PSA;
- (c) The Division shall provide reasonable notice of an action or proceeding to the affected area agencies on aging, subcontractor organizations, and advisory councils by registered mail; certified mail; or statutory overnight delivery.
- (d) The Division shall provide in the notice the documentation for the need for the action or proceedings. The documentation will include:
  - (1) Statutory authority for the action;
  - (2) Summary of projected impact of action on clients within service areas affected; and
  - (3) the anticipated improvements in service that will result from the action being taken.

### §92.6.3 Public Hearing

The Division shall conduct a public hearing for the action of proceedings and shall:

- (a) Register participants at the hearing and tape record oral testimony presented; and
- (b) Receive a report consisting of a summary of all oral testimony received at the hearing, all written testimony, and a list of the names of all persons attending. The report of the proceedings will be presented to the Division and Department leadership staff within 30 calendar days of completion of the hearing.
- (c) The Division shall request written comment from area agencies on aging, service providers, and older individuals on the action or proceedings;
- (d) The Division shall allow for an appeal by adversely affected applicants as prescribed by the Older Americans Act and its regulations to the Department of Health and Human Services Assistant Secretary on Aging of the decision of the Division on the action or proceeding; and
- (e) The Division shall work with affected agencies to provide for an orderly transition to ensure continuity in the provision of services to older persons in the PSA. (See §92.13, Transition Planning.)

### §92.7 Application for Designation Submission

Upon realignment or change of the Department regional boundaries that require designation of new or additional PSAs, the Division must assess the need to designate additional PSAs. Applicants for consideration shall submit a written application to the Division according to time frames and due dates established by the Division. The application will include:

- (a) The distribution of persons age 60 and older within the proposed PSA in relation to those other counties within the state regional planning area involved, with specific identification of the number and percent of those persons who demonstrate the greatest economic and social need;
- (b) A narrative and statistical description of the incidence of need in the PSA for services supported by the Older Americans Act ;
- (c) A list of agencies in the PSA that provide services supported by the Older Americans Act
- (d) Written documentation of approval by resolution of 75 percent of the constituent counties, cities, and municipalities comprising the unit of general purpose local government;
- (e) A map of the proposed area depicting the relationship to the state-delineated regional planning area, existing economic development district boundaries and areas, and boundaries of the state-delineated health district.
- (f) If the application is for designation as an interstate PSA, it shall include:
  - (A) written documentation of local interstate governmental agency support;
  - (B) All other information required in §92.3(a)-(e);
  - (C) A list and description of those agencies providing aging services within the interstate area involved; and
  - (D) A description of particular local conditions that may affect the written agreements made by each State as required by federal regulations

**§92.8 Appeals of PSA Designations**

- (a) Parties who are adversely affected by a designation under §92.5 may bring an appeal to the Assistant Secretary of the Administration on Aging on the basis of the following:
  - (1) the facts and merits of the matter that is the subject of the action or proceeding; or
  - (2) procedural grounds.
- (b) Appeals to the Assistant Secretary. The Assistant Secretary's decision on the appeal may affirm or set aside the decision of the Division. If the Assistant Secretary sets aside the decision, the Division shall nullify its action.

**§92.9 Hearing Procedures for Applicants for PSA Designation**

**§92.9.1 Right to a hearing.**

Any applicant for designation as a PSA whose application is denied by the Division has a right to a hearing to appeal such denial.

**§92.9.2 Request for hearing.**

The applicant shall request the hearing in writing and shall specifically state the grounds upon which the Division's decision is appealed and all grounds upon which the petitioner refutes the decision. The written request shall include:

- (a) the dates of all relevant actions;
- (b) the names of all individuals involved in the action;
- (c) a specific statement of any section of the Act or regulations believed to have been violated; and
- (d) a certified copy of the minutes or resolution in which the applicant's governing body requests a hearing and authorizes a person or persons to act in behalf of the agency or organization. The minutes or resolution shall indicate adoption by a majority of the quorum or the governing body of the agency or organization.

**§92.9.3 Timeframe for filing amending the request**

- (a) The petitioner shall file the request with the Division within 30 calendar days of receiving the decision.
- (b) The petitioner may submit written amendments to the request for hearing that must be received by the Division not less than 10 calendar days prior to the hearing date.
- (c) The Division may require that the petitioner provide additional information as to the basis for the appeal at any time prior to the hearing.

**§92.10 Designation of Area Agencies on Aging**

Applicants for designation as Area Agency on Aging shall submit a written application or resolution to the Division no later than the date specified by the Division. The application shall indicate that the agency is an eligible entity and is capable of meeting all requirements under Section 306 of the Older Americans Act, as amended.

**§92.10.1 Duration of Designation**

Once designated, an area agency continues to function in that capacity until either:

- (a) the agency informs the Division that it no longer wishes to carry out the responsibilities of an area agency; or
- (b) the Division withdraws the designation of the area agency as provided for in these policies.

**§92.10.2 Authority and Capacity  
To Perform**

All applicants for designation must have the authority and capacity to perform the functions of an area agency on aging.

- (a) The Division shall determine the authority of an area agency through a review that shall include, but not be limited to:
  - (1) a memorandum of understanding signed by the presiding board of a unit of general purpose local government of participating cities and counties within its PSA;
  - (2) verification of authority to accept and utilize funds for aging services as specified by the Older Americans Act, as amended and these policies and procedures;
  - (3) verification of authority to develop and implement policies and procedures for administration, services and program development, program records, data collection and planning. Such policies and procedures shall be in written form and on file;
  - (4) a statement that the area agency is in compliance with federal and state laws with regard to equal employment opportunity and non-discrimination;
  - (5) By-laws for the governing board;
  - (6) By-laws for an Advisory council;
  - (7) Policies and procedures for use of property;
  - (8) Policies and procedures for confidentiality and secure storage of confidential materials;
  - (9) Personnel policies which include, but are not limited to:
    - (A) job descriptions for each area agency employee and for any vacant or proposed new positions;
    - (B) Employees' code of ethics;
    - (C) Travel reimbursement;
    - (D) Compensation schedules and fringe benefits;
    - (E) Disciplinary processes;
    - (F) Performance appraisal;
    - (G) Appointment and termination processes;

- (H) Grievance procedures; and
  - (I) Accounting and financial management procedures.
- (10) Collected and evaluated views of units of general purpose local governments gathered in the PSA prior to seeking designation.
  - (11) Evidence that the views of older persons have been considered and evidence of support from older persons in the PSA.
  - (12) Evidence of local support from units of local government and human service agencies and community organizations in the PSA;
  - (13) Authority to advocate on behalf of older persons in the PSA and on issues of general concern to the aging network;
  - (14) Evidence of, including but not limited to, an adequate number of appropriately trained staff, with competent systems in place to ensure performance consistent with assessment criteria contained in the Area Plan and Division directives, policies, or guidelines.
- (b) The Division shall determine capacity of an agency on aging through a review that shall include, but not be limited to, an evaluation of the record of its performance in:
- (1) the planning, organizing, staffing, directing and supervision of a comprehensive and coordinated program of services for older adults for the PSA represented;
  - (2) monitoring, evaluating and commenting on policies, programs, hearings and community actions which affect older persons;
  - (3) conducting public hearings, studies and assessments of the needs of older persons;
  - (4) representing the interests of older persons;
  - (5) conducting activities in support of the State Long-Term Care Ombudsman Program (SLTCO) and the Elderly Legal Assistance Program (ELAP), as required by the Older Americans Act, as amended;
  - (6) coordinating, planning with other agencies and organizations to promote programs and opportunities which benefit older persons;
  - (7) providing technical assistance to providers of services and to senior centers in the PSA;

- (8) establishing effective and efficient procedures for the coordination between and among programs assisted by the Division and other programs available to older persons;
- (9) carrying out the intention of O.C.G.A. 49-6-1, et.seq., these policies and procedures, applicable rules and regulations of the Department and the Older Americans Act, as amended, and its rules and regulations.

**§92.10.3 Determination of Eligible Entities and Organizational Preference.** <sup>3</sup>

The Division shall provide opportunity for the following types of agencies to be designated as an area agency on aging, in order of preference according to the Older Americans Act:

- (a) an office or agency of a unit of general-purpose local government that is proposed by the chief elected official of the unit;
- (b) an established office of aging which operates within a PSA;
- (c) an Indian tribal organization, or consortia thereof, whose jurisdiction is essentially the same as one or more Indian reservations.
- (d) any office or agency proposed by the chief elected officials of a combination of units of general purpose local governments; *or*
- (e) any other public or private non-profit agency, except any regional or local agency of the state.

**§92. 10.4 Application Procedures.**

Contents of applications. Applicants for area agency designation shall submit a written application to the Division to address:

- (a) description of the legal basis upon which the agency is organized;
- (b) an organizational description and chart of the agency;
- (c) a list of members serving on the governing board of the agency and the entities they represent;
- (d) job descriptions of those positions that the agency intends to staff;
- (e) a copy of the most recent audit;
- (f) a copy of the agency's current financial plan approved by the board of directors;

---

<sup>3</sup> Units of general purpose local government are offered the right of first refusal in matters of designation of area agencies on aging, according to the Older Americans Act, as amended, §305(b)(5)(B).

- (g) a narrative of the agency's past and current relationships with agencies providing services to the elderly in that PSA; and
- (h) any other information requested/required by the Division.

#### **§92.10.5 Competing Applications.**

Any application for area agency designation, which if approved, would result in the replacement of an existing area agency or substantially impact upon the aging network with the PSA involved shall include:

- (a) written indication of support by resolution of at least 75% of the governing bodies of the constituent cities, counties and municipalities of the PSA involved;
- (b) documentation that existing services can be improved substantially as a result of the proposed changes in designation; and
- (c) assurance that no staff or board member of the agency, or its parent organization, has served on the staff or board of the currently designated agency within the affected PSA, for a period of not less than two years prior to the date of notification of application.

#### **§92.10.6 Public Hearing**

Using procedures established in §92.5.3, the Division will conduct one or more public hearings, at appropriate time(s) and location(s) to consider the views of units of general purpose local governments.

#### **§92.11 On-Site Reviews**

##### **§92.11.1 New Designations**

The agency being considered for designation as area agency shall provide an opportunity for on-site review and assessment by the Division to ensure that said agency has the capacity to perform the functions of an area agency on aging. The review shall include, but not be limited to:

- (a) a review of the agency's administrative and fiscal management capability to conform with Division reporting requirements and production of any other required documents;
- (b) a review of the agency's capability, through employment and retention of adequate numbers of qualified and appropriate staff to develop and administer an area plan for a comprehensive and coordinated system of services;
- (c) a review of the agency's capability to serve as the advocate and focal point for older residents of the PSA; and
- (d) a review of the agency's capability to furnish local financial resources and support as required by federal law.

### §92.11.2 Periodic Review

Once designated, an area agency is subject to an on-site assessment at least one year prior to the expiration of a four-year plan cycle to determine whether the Agency continues to have the capacity and authority to carry out the functions of an area agency as established by Division guidelines, policies and procedures; state and federal rules and regulations, and the Older Americans Act, as amended. The review shall include and take into account, but not be limited to:

- (a) an evaluation of the agency's performance in carrying out its responsibilities and functions under state and federal laws, regulations and policies, including the Older Americans Act, as amended;
- (b) an evaluation of the agency's goals and objectives under its current approved Area Plan and Budget, and four year Plan and budget;
- (c) on-site visits to conduct client and staff interviews.
- (d) any other information which is relevant in evaluating the organization's effectiveness, efficiency and focus on results, including the elements of an initial on-site review, stated in §92.10.1, preceding.

### §92.12 Effective Date of Designation

The Division shall designate an area agency in each PSA in which there is a decision to allocate funding under the Older Americans Act no later than March 1 of the year involved in the development of the state plan.

### §92.13 Transition Planning

A newly-designated area agency shall confer with any previously designated area agencies with jurisdiction for providing services, service providers, older persons and other interested parties in a newly formed Planning and Service Area, or for other reason for change in AAA designation, to develop a transition plan. The plan shall itemize and set priorities for activities to be undertaken by all parties during the transition period. The plans shall be submitted to the Division for review, comment and approval. Following is a list which includes, but is not limited to key transition activities:

- (a) documentation of current and proposed methodologies used to allocate and distribute funding;
- (b) required or desired procurement activities for the upcoming fiscal year (food bids, Requests for Qualifications and Proposals)<sup>4</sup>
- (c) documentation of levels of city and county support for transferring counties, including cash and non-cash resources;
- (d) plan for terminating or transferring lease agreements, rental agreements, insurance coverages, equipment transfers, et. al, as necessary and appropriate;

---

<sup>4</sup> A newly designated Area Agency may elect to grandfather current service providers for a maximum period of the remainder of the current Area Plan cycle.

- (e) plan for coordinating respective AAA Advisory Councils, including reviews and amendments of Council by-laws, as appropriate;
- (f) review and evaluation of current service delivery systems in the respective areas and a determination of the availability and adequacy of resources to continue or amend the service mix and levels of service.
- (g) coordination with the non-designated or transferring AAA in providing notice to consumers in transferring counties of the change in AAA responsibilities and, providers , if appropriate;
- (h) a plan for interviewing consumers who may be adversely affected in terms of continued receipt of services and brokering other resources, if necessary;
- (i) a plan for the transfer of paper and electronic client files, if necessary;
- (j) revision of subcontracts and or issuance of new contract formats, consistent with overall transition plan;
- (k) a plan/schedule to conduct meetings with all subcontractors to explain transition activities;
- (l) provision of adequate and timely notice of termination to any contract holders who have contracts which will be terminated or not renewed.<sup>5</sup>

#### **§92.14 Withdrawal of Designation of Area Agencies on Aging**

##### **§92.14.1 Conditions for Withdrawal**

In accordance with 45 CFR §1321.35, the Division of Aging Services shall withdraw designation of an existing area agency on aging whenever:

- (a) an area agency does not meet the requirements in 45 CFR 1321;
- (b) the Division does not approve an area plan or an area plan amendment;
- (c) there is substantial failure in administration of an approved area plan to comply with any provision of the Older Americans Act or its regulations; DHR regulations; Division Area Agency on Aging Guidelines, or any other procedural issuances, policies or procedures established and published by the DHR or the DAS;
- (d) activities of the area agency are inconsistent with the statutory mission prescribed in the Older Americans Act or are in conflict with the requirement of the Act that it functions only as an area agency;

---

<sup>5</sup> Requirements may differ depending on whether a contract is terminated before its normal expiration date or is allowed to expire.

- (e) the designated area agency voluntarily relinquishes designation;
- (f) there is a finding of malfeasance in the administration of the area agency's area plan and failure of the governing body to take effective corrective action within a reasonable time.

#### §92.14.2 Notice of Withdrawal

Pursuant to Section 305(b)(5)(C)(i)(I) of the Older Americans Act and the requirements in 45 CFR 1321.35, the Director of the Division of Aging Services shall provide to the Chairman of the area agency governing board a written notice 90 days before the effective date of the withdrawal of designation. The notice shall advise the area agency of the reason for the withdrawal and provide an opportunity for a hearing consistent with §92.15 of this Chapter.

#### §92.14.3 Withdrawal Process

- (a) If the Division proceeds to withdraw area agency designation, it shall take such action necessary to assure that appropriate individuals and agencies are informed in advance of the reasons that make withdrawal necessary.
  - (1) The Division shall prepare correspondence summarizing the basis for the action.
  - (2) The Division shall transmit the correspondence by certified mail, return receipt requested, registered mail or statutory overnight delivery, to the contractor, and other interested parties, including subcontractors, or vendors for the contract involved.
  - (3) The Division will provide this notice at least ten working days prior to the effective date of the withdrawal of the designation as area agency on aging.
  - (4) The notice will provide an explanation of the right of the contractor to appeal such actions as provided in §92.15 of this chapter relating to appeals procedures for area agency on aging contractors.
- (b) If the Division withdraws an area agency's designation, it shall take the following action:
  - (1) The Division shall notify by certified mail, return receipt requested, registered mail or statutory overnight delivery, the Assistant Secretary for the Administration on Aging, Department of Health and Human Services, and all individuals specified in paragraph (a) of this subsection.
  - (2) The Division shall provide a plan for the continuity of services in the affected PSA and will:

- (A) discontinue reimbursement to the contractor concerned;
  - (B) notify service providers to submit requests for reimbursement to the Division or to a designated interim contractor;
  - (C) place an advertisement in the legal organ of the PSA and newspaper of statewide circulation advising that claims against the contractor related to Older Americans Act programs (and any other programs administered through the contract with the Division) shall be referred to the Division of Aging Services; and
  - (D) designate an interim or new area agency in the PSA within 180 calendar days, or extension of time approved by the Administration on Aging.
- (c) If necessary to ensure continuity of services in a PSA, the Division may, for a period of 180 calendar days after withdrawing designation of an area agency:
- (1) perform the area agency's responsibilities;
  - (2) assign the responsibilities of the area agency to another agency in the PSA;
  - (3) assign the responsibility to an area agency on aging in a contiguous PSA; or
  - (4) if necessary, request an extension of the 180-day limit from the Assistant Secretary. The Assistant Secretary may extend the period for an additional 180 calendar days if the need for extension is demonstrated.

**§92.15 Opportunity for hearing**

- (a) The Division shall establish and follow appropriate procedures to provide due process to adversely affected parties, if the Division initiates an action or proceeding to
  - (1) revoke the designation of the area agency on Aging;
  - (2) designate an additional planning and service area in a State;
  - (3) divide the State into different planning and service areas; or
  - (4) otherwise affect the boundaries of the planning and service areas in the State.

- (b) An adversely affected party involved in an action or proceeding described in §92.11.1 clause (i) may bring an appeal described in clause 9II)(V) on the basis of --
  - (1) the facts and merits of the matter that is the subject of the action or proceeding; or
  - (2) procedural grounds.
- (c) In accordance with Section 307(a)(5), Section 306(e) and Section 305(b)(5)(C) of the Older Americans Act, the Division shall provide an opportunity for a hearing to a unit of general purpose government, a region, a metropolitan area or an Indian reservation, provided the request for hearing is received in writing within 10 business days after receipt of the Division's decision at the Division Director's Office.
  - (1) Filing of the appeal shall stay the Division's decision.
  - (2) The Division shall forward the request to the Legal Services Office of the Department, which shall transmit the appeal to the Office of State Administrative Hearings in accordance with the provisions of the Georgia Administrative Procedure Act and Rule 290-1-1-.05 of the Official Compilation, Rules and Regulations of the State of Georgia.
  - (3) An Administrative Law Judge selected by the Office of State Administrative Hearings will conduct a formal evidentiary hearing upon the appeal.

**§92.16 Appeal to the Assistant Secretary, Administration on Aging U.S. Department of Health and Human Services**

Any party whose appeal is denied may appeal to the Assistant Secretary on Aging. Any such appeal shall be governed by procedures outline in 45 Code of Federal Regulations, Part 1321, or subsequent amendment. Whenever a unit of general purpose local government, a region, a metropolitan area or an Indian reservation is denied designation, such unit of general purpose local government, region, metropolitan area, or Indian reservation may appeal the decision of the State agency to the Assistant Secretary.

- (a) The Assistant Secretary shall afford such unit, region, metropolitan area, or Indian reservation an opportunity for a hearing.
- (b) In carrying out the provisions of this paragraph, the Assistant Secretary may:
  - (1) approve the decision of the State agency;

- (2) disapprove the decision of the State agency and require the State agency to designate the unit, region, area, or Indian reservation appealing the decision as a planning and service area;
- (3) or take such other action as the Assistant Secretary deems appropriate.

**Effective Date:** **July 2003**

**Review Date:** **March, annually, or at any such time as there are changes in laws or regulations which affect this policy.**

**Approved:**

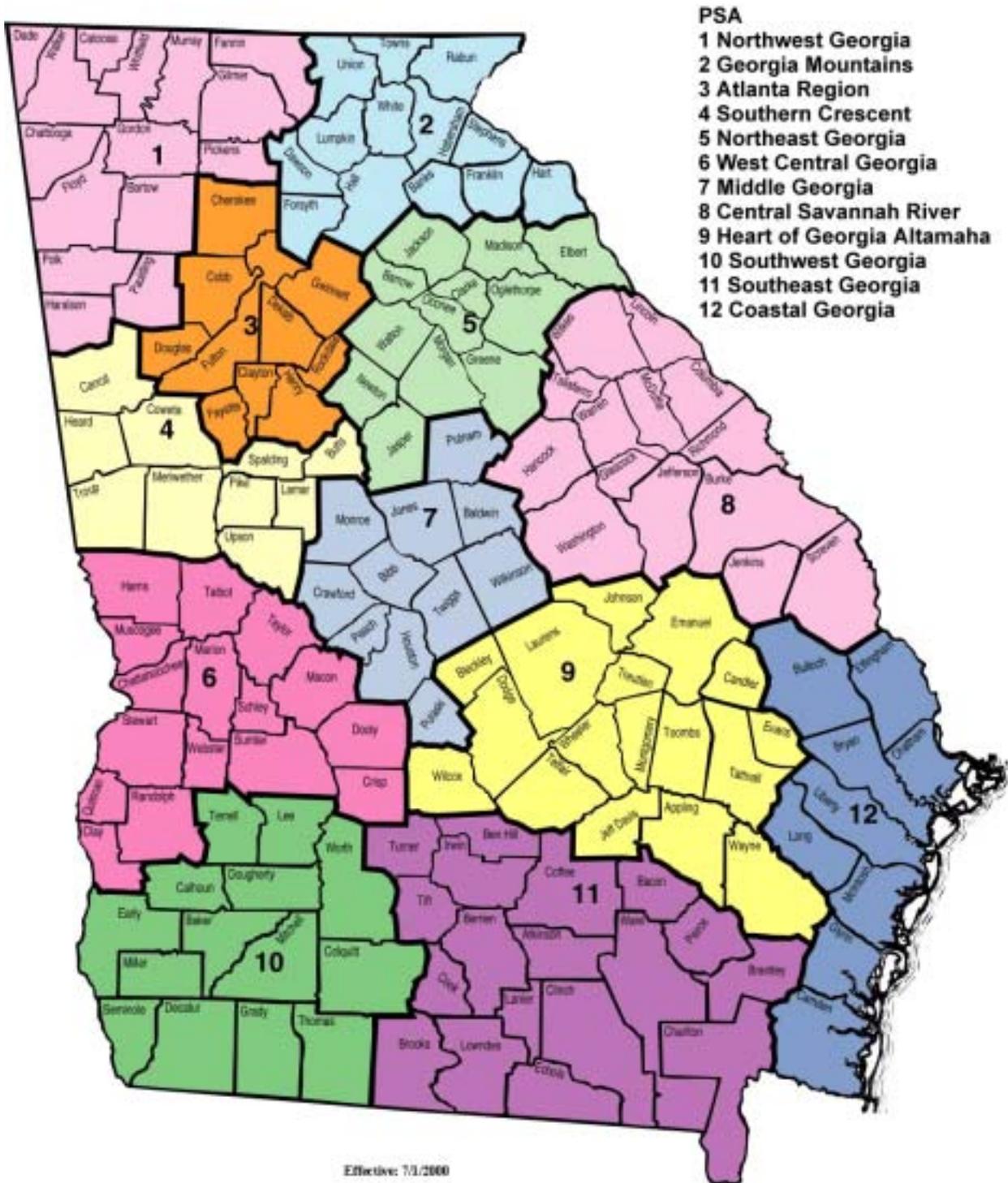
---

**Maria Greene, Director, Division of Aging Services**

**Appendix 92-A**

**Designated Planning and Service Areas and Area Agencies on Aging  
as of July 2003**

## Division of Aging Services Planning and Service Areas



Effective: 7/1/2000