

10A NCAC 05C .0305 AREA PLAN SUBMISSION: REVIEW AND APPROVAL

(a) The area plan, or annual updates, shall be submitted to the Division of Aging in accordance with the schedule and procedures established by the Division. In developing the area plan, the AAA shall allow sufficient time for the completion of the A-95 review process.

(b) The following schedule outlines the process for review and approval of area plans or annual updates:

- (1) The Division of Aging shall notify all AAAs at least 90 days before the area plan is due into the Division of Aging office. This notice shall include the transmittal of the required area plan format, the Division of Aging criteria for area plan approval and instructions for developing the area plan.
- (2) Area plans, whether for initial or continuation funding, are due into the Division of Aging 90 days prior to the beginning date of the planned funding period.
- (3) Division of Aging staff reviews, and requests for revisions in area plans when necessary, shall be completed 60 days before the beginning date of the planned funding period.
- (4) Final area plan revisions shall be submitted to the Division of Aging at least 40 days prior to the beginning date of the planned funding period.
- (5) A notification of grant award (NGA) shall be completed by the Division of Aging 15 to 20 days prior to the beginning date of the funding period.

(c) The Division of Aging shall assign a fiscal and program representative to serve as the contact within the Division for Area Agency on Aging communications and interrelationships. Any questions (or assistance needed) on the area plan format, criteria for approval, instructions, review comments or other aspects of area plan development and review should be directed to the AAA's designated program representative.

(d) If substantive questions concerning an area plan arise during the division's review process, the appropriate program representative shall refer the question to the section chief and to the deputy director or the Assistant Secretary for a policy decision.

(e) Division of Aging Actions on Area Plans. The Division of Aging shall provide notification in writing to the AAA of the final actions taken in either approving, approving with conditions, or disapproving on area plan (or plan amendments).

- (1) Approval
 - (A) The Division of Aging shall approve an area plan when the plan is in substantial conformity with the Older Americans Act, related Title III regulations, and division policies.
 - (B) The Assistant Secretary for aging shall provide the area agency with a formal notice of approval of the area plan and the amount of approved funds on a standard notification of grant award (NGA) form. The NGA will be signed by the Assistant Secretary.
- (2) Approval with Conditions
 - (A) The Division of Aging may approve an area plan with conditions when necessary.
 - (B) The conditions shall be in writing and shall be clearly noted on the notification of grant award form.
 - (C) All conditions placed on an approved area plan shall be consistent with the authority delegated to the Division of Aging.
 - (D) When an area plan is approved with conditions, it shall be incumbent upon the grantee to meet these conditions within the specified time frame. As the conditions are met by the grantee, the Division of Aging shall remove the conditions from the grant, and shall officially notify the grantee of the condition removal. Program representatives shall be responsible for periodically updating all NGA conditions.
- (3) Disapproval
 - (A) Any area plan which is not in substantial conformity with the Older Americans Act, the federal regulations and the Division of Aging policies shall be disapproved.
 - (B) When the Division of Aging proposes to disapprove an area plan, it shall notify the area agency in writing of its intention and set forth the reasons for the proposed disapproval. The Division of Aging shall:
 - (i) issue a letter of intent to disapprove the area plan to the area agency indicating the reasons therefor within 30 days of receipt of the area plan;
 - (ii) inform the area agency of the opportunity for a hearing on the area plan under the provisions of Section 206.8 of the Division's "Manual of Policies and Procedures" and shall carry out those procedures.

- (C) The Division of Aging may authorize an established area agency to operate under the previous year's approved area plan until a final determination is made relative to the current area plan.
- (D) If, after providing the area agency proper opportunity for a hearing, the Division of Aging still finds the area plan unacceptable, the Division shall disapprove the plan, using the procedures prescribed by the federal regulations and reprinted in Section 400 of the Division's "Manual of Policies and Procedures."

(4) Notification of Grant Awards

- (A) The fiscal section shall prepare the notification of grant award, with any conditions to be attached being prepared by the appropriate program representatives.
- (B) All special section conditions to be attached to the NGA shall be cleared with the Chief of the Plans and Policy Section.
- (C) All fiscal conditions to be attached to the NGA shall be cleared with the Chief of the Fiscal Section.
- (D) All program conditions to be attached to the NGA shall be cleared with the Chief of the Program Section.
- (E) The NGA shall be signed by the Assistant Secretary for aging.
- (F) NGAs shall be forwarded to the AAA for proper execution and agreement on the terms and conditions of the area plan approval (by signature of NGA). The NGA shall be signed in ink by the director of the AAA, and the legal executive officer of the AAA when the two are different.
 - (i) The Division of Aging shall not require prior approval of contracts proposed for funding under an area plan when the contract will be executed with non-profit public or private organization.
 - (ii) The Division of Aging shall require prior approval of contracts proposed for funding under an area plan when the contract will be executed with a profit making organization. The Division may approve such contracts only if the area agency demonstrates that the profit making organizations would provide services in a manner clearly superior to other available public or private non-profit providers. If potential problems with such proposed contracts are identified, the Division of Aging will provide the AAA with a written explanation of the problems and necessary corrections.
 - (iii) The Division of Aging may request, as part of the area plan approval process, information from the area agency concerning its plans for making awards to minority organizations.
 - (iv) Once a contract has been executed by an area agency to carry out a service or an activity under an approved area plan, an implementation plan for the services to be provided under the contract shall be submitted to the Division within 30 days after the effective date of the contract.

History Note: Authority G.S. 143B-10; 143B-138; 45 C.F.R., Chapter XIII, Part 1321; Eff. October 1, 1980; Amended Eff. May 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.