

ELDER AFFAIRS DEPARTMENT[231]

Adopted and Filed

Pursuant to the authority of Iowa Code section 231.14, the Elder Affairs Department hereby adopts amendments to Chapter 6, “Area Agency on Aging Planning and Administration,” Iowa Administrative Code.

The adopted amendments:

1. Require nonprofit contractors or subgrantees to comply with all requirements for nonprofit entities, which would include Iowa Code chapter 504;
2. Clarify the waiver requirements regarding funding and area plans; and
3. Add a severability clause to the chapter.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 26, 2008, as ARC 6674B.

The public comment period on this notice ended April 16, 2008. No comments were received.

The amendments are identical to those published under Notice.

The Commission adopted these amendments during their regularly scheduled meeting on June 9, 2008.

The amendments will become effective August 6, 2008 and are intended to implement Iowa Code chapter 231.

The following amendments are adopted.

ITEM 1. Amend subrule 6.10(4) as follows:

6.10(4) Establishment of a request for proposal process that includes methods of selection of providers and methods for award of grants or contracts under the area plan, including stipulations that all subcontractors or subgrantees comply with all applicable local, state and federal laws, rules or regulations, and, if applicable, all requirements for nonprofit entities;

ITEM 2. Amend subrule 6.15(1) as follows:

6.15(1) An AAA shall request a waiver from the priority service expenditures in 321—subrule 5.3(3) if it does not propose sufficient funding to allow elders to have convenient access to a service. The waiver request shall be submitted with the plan or plan amendment pursuant to applicable procedures under 321 IAC 11.

ITEM 3. Amend 321—Chapter 6 by adopting the following **new** rule:

321—6.18(231) Severability. **Should any rule, subrule, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.**

John McCalley, Director

Date