

The amendments to this rule help the rule to use terminology that is consistent with rule 173-2-07. (E.g., "corrective action" (not "sanction"), "actions" (not "steps"), "correct" (not "remedy"), and "deficiency")

\*\*\* DRAFT - NOT YET FILED \*\*\*

173-2-08

**De-designating an AAA.**

- (A) ODA ~~may~~ shall de-designate an AAA if state or federal law ~~required~~ requires ODA to ~~de-designate so under state or federal law~~, if ODA determines that de-designation is an appropriate ~~sanction~~ corrective action ~~under~~ according to rule 173-2-07 of the Administrative Code, or if ODA reorganizes the state's PSAs and the geographical region that a currently-designated AAA has been designated to serve ~~serve~~ ceases to exist.
- (B) De-designation is a serious action that ODA shall pursue only if that action is in the public's interest and for the protection of the state of Ohio. Because ODA recognizes the valuable asset it has in its AAAs, it shall not pursue the de-designation of an AAA before giving consideration to the negative impact it may have upon the aging network and the lives of consumers ~~served by the AAA that the AAA serves~~.

- (C) If ODA finds it necessary to de-designate an AAA, it shall take reasonable steps actions to minimize disruption to consumer's lives and ~~any~~ all necessary steps actions to ensure the continuation of services until ODA designates a new AAA. ~~ODA's steps~~ The actions that ODA takes to ensure the continuation of services may include, ~~but are not limited to~~, directly administering the grants and contracts of the AAA or contracting with another AAA to administer the deficient AAA's grants and contracts on ODA's behalf.

The language is similar to that of paragraph (C)(3) (d) in rule 173-2-07.

- (D) ODA shall provide a written notice and an opportunity for an appeals hearing according to Chapter 119. of the Revised Code to any AAA ~~proposed that ODA proposes for de-designation~~ to de-designate, in accordance with rule 173-2-09 of the Administrative Code.

ODA only needs to cite Chapter 119. of the Revised Code because that section provides the details of the notice and appeals hearing requirements.

Effective:

R.C. 119.032 review dates:

---

Certification

---

Date

Promulgated Under:

119.03

Statutory Authority:

173.01, 173.011, 173.02; Section 306(f) of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006; 45 C.F.R. 1321.11 (October 1, 2013 edition)

Rule Amplifies:

173.01, 173.011; 45 C.F.R. 1321.11, 1321.35 (October 1, 2013 edition)

Prior Effective Dates:

As 173:1-2-02, 173:1-2-06, and 173:1-2-07: 10/13/1989 (Emer.), 02/26/1990 (Emer.), 08/24/1990. As 173-2-04: 05/15/2000, 05/16/2005, 07/12/2007. As 173-2-08: 06/11/2009.