

ALABAMA DEPARTMENT OF SENIOR SERVICES
ADMINISTRATIVE CODE

CHAPTER 70-X-4
ADMINISTRATIVE REVIEW

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70-X-4-.01	<u>Informal Administrative Review Of Area Agency On Aging Decisions.</u>

(1) A provider of services for an Area Agency, client or applicant may apply for an informal administrative review by the Department regarding an Area Agency decision only after the Area Agency complaint process has been exhausted.

(2) Requests for informal hearings are limited to an individual who has been denied care under an Area Agency program due to eligibility standards, or a service provider that has been denied a claim for services provided an Area Agency client or non-renewal or termination of a contract. Other requests for informal hearings

by the Department regarding an action of an Area Agency shall be granted at the discretion of the Department Commissioner.

(3) A written request for an informal administrative review shall be filed with the Department Commissioner within ten (10) calendar days of the date of receipt of the final decision of the Area Agency.

(4) Within ten (10) calendar days of receipt of the request the Department Commissioner shall appoint two staff members who have not been directly involved with the petitioning party to serve as a review team, and shall notify the petitioning party by first class mail of the time and place for the review.

(5) The review team shall consider all the records of the Department concerning the petitioning party's complaint, any other pertinent documents or information, and any writings, documents or oral communication presented to it by the petitioning party.

(6) The review team shall conduct the informal review as expeditiously as possible, but in no event more than thirty (30) days after receipt of the request by the Department, unless extended by agreement or for good cause shown.

(7) The review team shall issue a written decision within fifteen (15) calendar days of the date of completion of the review. The decision of the informal administrative review shall be communicated to the petitioning party in the same manner as a notice of proposed action as outlined in Administrative Code Rule 70-X-3-.01.

(8) The informal administrative review decision shall be made a part of the petitioning party's record.

Author: Irene B. Collins, Commissioner

Statutory Authority: Code of Ala. 1975, §§38-3-8 through 38-3-9; 41-22-12; Older Americans Act of 1965, as amended (Public Law 109-365); 45 C.F.R. §1321.

History: Filed May 20, 1992. **Repealed and New Rule:** Filed June 5, 2009; effective July 10, 2009.

70-X-4-.02 Informal Administrative Review By Department.

(1) Whenever possible, the Department shall attempt to resolve a complaint informally if it is likely to result in a timely resolution of the matter.

(2) A written request for an informal administrative review shall be filed with the Department Commissioner within ten (10) calendar days of the date of receipt of the issuance of the notice of action from the Department as specified in Administrative Code Rule 70-X-3-.02. Requests for informal reviews are limited to

contested cases by individuals who have been denied care for direct services provided under a Department program due to eligibility standards, or a direct service provider of the Department that has been denied a claim for services provided a Department client or non-renewal or termination of a contract. Other requests for informal hearings on an action of the Department shall be granted at the discretion of the Department Commissioner.

(3) Within ten (10) calendar days of receipt of the request the Department Commissioner shall appoint two staff members who have not been directly involved with the petitioning party to serve as a review team, and shall notify the applicant or client by first class mail of the time and place for the review.

(4) The review team shall consider all the records of the Department concerning the petitioning party's complaint, any other pertinent documents or information, and any writings, documents or oral communication presented to it by the party.

(5) The review team shall conduct the informal review as expeditiously as possible, but in no event more than thirty (30) days after receipt of the request by the Department, unless extended by agreement or for good cause shown.

(6) The review team shall issue a written decision within fifteen (15) calendar days of the date of completion of the review. The decision of the informal administrative review shall be communicated to the petitioning party in the same manner as a notice of proposed action as outlined in Administrative Code Rule XX-X-3-.02.

(7) The informal administrative review decision shall be made a part of the petitioning party's record.

Author: Irene B. Collins, Commissioner

Statutory Authority: Code of Ala. 1975, §§38-3-8 through 38-3-9; §41-22-12; Older Americans Act of 1965, as amended (Public Law 109-365); 45 C.F.R. §1321.

History: Filed May 20, 1992. **Repealed and New Rule:** Filed June 5, 2009; effective July 10, 2009.

70-X-4-.03 Functions Of An Area Agency (Repealed 7/10/09).

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

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70-X-4-.04 Advocacy (Repealed 7/10/09).

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

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70-X-4-.05 Needs Assessment (Repealed 7/10/09).

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

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70-X-4-.06 Priority Setting (Repealed 7/10/09).

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

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70-X-4-.07 Program Design (Repealed 7/10/09).

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

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70-X-4-.08 Subgrant/Contract Development (Repealed 7/10/09).

(REPEALED)

Author: Oscar D. Tucker

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**70-X-4-.09 Monitoring And Evaluation Of Service Providers
(Repealed 7/10/09).**

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

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70-X-4-.10 Financial Resource Development (Repealed 7/10/09).

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

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**70-X-4-.11 Coordination Of Programs On Aging (Repealed
7/10/09).**

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

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70-X-4-.12 Advisory Council (Repealed 7/10/09).

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

History: Filed May 20, 1992. **Repealed:** Filed June 5, 2009; effective July 10, 2009.

**70-X-4-.13 Capacity Building, Training And Technical
Assistance (Repealed 7/10/09).**

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

History: Filed May 20, 1992. **Repealed:** Filed June 5, 2009; effective July 10, 2009.

70-X-4-.14 Program Administration (Repealed 7/10/09).

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

History: Filed May 20, 1992. **Repealed:** Filed June 5, 2009; effective July 10, 2009.

70-X-4-.15 Matching And Percentage Requirements (Repealed 7/10/09).

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

History: Filed May 20, 1992. **Repealed:** Filed June 5, 2009; effective July 10, 2009.

70-X-4-.16 Direct Provision Of Services By An Area Agency On Aging (Repealed 7/10/09).

(REPEALED)

Author: Oscar D. Tucker

Statutory Authority: P.L. 83-79; 45 C.F.R., Part 1321.

History: Filed May 20, 1992. **Repealed:** Filed June 5, 2009; effective July 10, 2009.

70-X-4-.17 Policies And Procedures (Repealed 7/10/09).

(REPEALED)

Author: Oscar D. Tucker

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