

CHAPTER 6
AREA AGENCY ON AGING PLANNING AND ADMINISTRATION

[Prior to 5/20/87, see Aging, Commission on the[20] Ch 5]

321—6.1(231) Area agency administration.

6.1(1) Full-time director. The grantee shall employ a qualified full-time director, and may employ other staff as necessary to manage and monitor the multiyear area plan.

6.1(2) Area agency director responsibility. It is the responsibility of the AAA director to ensure that all AAA duties as outlined in rule 6.4(231) are performed. Tasks, duties, responsibilities and concerns of the AAA director include planning both for the area plan development and implementation and for organizational operations in general, budgeting for services and operations, implementation of services, monitoring and evaluation of services.

6.1(3) Preference. Subject to established AAA requirements, preference shall be given to employment of persons aged 60 and over.

6.1(4) Standards of conduct. All AAA employees are personally responsible for maintaining a high standard of honesty, integrity, impartiality, and conduct consistent with “standards of conduct for Title III grantees of the Older Americans Act.”

6.1(5) Discrimination. The AAA shall extend equal opportunities to all employees and to applicants for employment who meet the qualifications established for a class or a position for which the application is made. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of sex, race, national origin, age, creed, color, religion, handicap, physical or mental disability, or other nonmerit factors is prohibited.

6.1(6) Affirmative action plans. Each AAA shall develop an affirmative action plan on employment which shall be submitted as part of the profile. All affirmative action plans shall comply with the requirements of Section 900.67 of Title 5 of the Code of Federal Regulations (1981).

6.1(7) Training and development requirements. AAAs shall have a plan and procedures that will support a broad program of staff development activities to ensure training of volunteers, paid personnel and providers of services to Iowa’s elderly population.

321—6.2(231) Confidentiality and disclosure of AAA information.

6.2(1) Confidentiality. AAAs shall have procedures to ensure that no information about, or obtained from an individual, and in possession of an agency providing services to an individual under programs funded by the department, shall be disclosed in a form identifiable with the individual without the individual’s informed consent.

6.2(2) Public accessibility to manuals, guidelines, and records. Copies of all manuals, guidelines, and standards referred to by these rules shall be maintained by the AAAs and made available for public inspection.

321—6.3(231) To contact area agencies on aging. Information on how to contact the appropriate AAA office may be obtained by contacting the department, address in 321—subrule 2.1(2).

321—6.4(231) Duties of AAAs.

6.4(1) Each AAA shall:

a. Carry out functions related to advocacy, planning, coordination, interagency linkages, information sharing, brokering, monitoring and evaluation designed to lead to and maintain a comprehensive and coordinated community-based system. These systems shall serve each community in the planning and service area so that the elders may lead independent, meaningful and dignified lives in their own homes and communities for as long as possible;

b. Strive to offer a range of services which are readily accessible to all older persons utilizing public, private, voluntary, and personal resources of the client;

- c.* Encourage collaborative decision making among public, private, voluntary, religious and fraternal organizations, as well as older persons; and
- d.* Assist in determining and providing special help or resources to the most vulnerable older persons who are in danger of losing their independence.

6.4(2) Additional duties of AAAs. Each AAA shall:

- a.* Develop and administer a multiyear area plan as outlined in rules 321—4.20(231) and 321—4.21(231);
- b.* Assess biennially the types and levels of services that are needed by elders in the planning and service area and the effectiveness of other public or private programs serving those needs;
- c.* Enter into subgrants or contracts to provide services under the plan except the services listed in subrule 6.10(1);
- d.* Provide technical assistance as needed, prepare written monitoring reports of subcontractor performance at least quarterly, and provide a written report of an annual on-site assessment of all service providers funded by the AAA;
- e.* Coordinate the administration of its plan with federal programs and with other federal, state, and local resources in order to develop a comprehensive and coordinated service system;
- f.* Establish an AAA advisory council;
- g.* Give preference in the delivery of services under the area plan to minority and rural elders and those with the greatest economic or social need;
- h.* Ensure that elders in the planning and service area have reasonably convenient access to information and referral services;
- i.* Provide adequate and effective opportunities for elders to express their views to the AAA on policy development and program implementation under the area plan;
- j.* Designate community focal points if feasible;
- k.* Provide for outreach efforts, with special emphasis on rural elders, American Indians, minority and low-income elders, to identify those with greatest economic or social needs and inform them of the availability of services;
- l.* Develop and publish the methods that the agency uses to establish preferences and priorities for services;
- m.* Attempt to involve the area lawyers in legal assistance activities;
- n.* Submit all fiscal and performance reports in accordance with the policies of the department;
- o.* Monitor, evaluate, and comment on policies, programs, hearings, levies, and community actions which significantly affect the lives of elders;
- p.* Conduct public hearings on the needs of elders;
- q.* Represent the interests of elders to public officials, public and private agencies, and organizations;
- r.* Coordinate activities in support of the statewide long-term care resident's advocate/ombudsman program;
- s.* Coordinate planning with other agencies and organizations to promote new or expanded benefits and opportunities for elders;
- t.* Coordinate planning with other agencies for ensuring the safety of elders in a natural disaster or other safety-threatening situation;
- u.* Coordinate AAA activities with the mental health services provided by community health centers and other public and nonprofit private organizations;
- v.* Compile and summarize information on institutions of higher education in the planning and service area which offer courses of study to older individuals at a free or reduced tuition and disseminate the information to older individuals at their gathering places;
- w.* Seek out older individuals who may be eligible to receive Supplemental Security Income benefits under Title XVI of the Social Security Act, medical assistance under Titles XVIII and XIX of the Social Security Act, and benefits under the Food Stamp Act of 1977. The AAA shall inform them of the requirements for eligibility to receive the benefits and assist them in applying for appropriate assistance and benefits.

x. Coordinate planning by individuals, agencies and organizations interested in the prevention of abuse, neglect and exploitation of older persons and assist in implementation of educational and awareness activities, in coordination with the ombudsman program.

321—6.5(231) AAA advisory council.

6.5(1) Composition. The AAA shall establish an AAA advisory council composed of:

a. Members at least one-half of whom are aged 60 and over and include:

- (1) Persons with greatest economic and social needs;
- (2) Participants of services under the Act; and
- (3) Minority individuals.

b. Representatives of elders;

c. Current local elected officials; and

d. The general public.

e. Representatives of health care provider organizations, including providers of veterans' health care, if appropriate;

f. Representatives of supportive services provider organizations; and

g. Persons with leadership experience in the private and voluntary sectors.

6.5(2) Duties. It shall be the specific responsibility of the advisory council to:

a. Advocate for elders in their planning and service area by keeping informed of all activities and proposals concerning the elders;

b. Review and make recommendations on the content, formulation, and administration of the multiyear area plan and participate in public hearings on the multiyear area plan;

c. Serve as an information link between the AAA and providers of services to elders in the area;

d. Review and make recommendations on program priorities for the area;

e. Review and comment on community policies, programs and actions which affect elders;

f. Assist in generating local support for development of programs in the area.

6.5(3) Frequency of meetings. The AAA advisory council shall meet at least quarterly.

6.5(4) Staff support. The AAA shall provide staff and assistance to the AAA advisory council.

6.5(5) Bylaws. The AAA advisory council bylaws shall contain at least the basic bylaws articles: name, purpose, members, officers, meetings, committees, parliamentary authority and amendment of bylaws. The article on membership shall include but is not limited to number of members, selection process for members, and terms of membership.

321—6.6(231) Preference in service delivery.

6.6(1) Rescinded IAB 2/5/92, effective 3/11/92.

6.6(2) Standard for preference. To ensure that preference is given to elders with the greatest social and economic need, AAAs shall, in each service delivered under the multiyear area plan, serve elders with the following characteristics in a proportion equal to or greater than the proportion residing in the planning and service area who have the same characteristics:

a. Are disabled;

b. Are minorities;

c. Have incomes at or below the poverty level;

d. Are minorities with incomes at or below the poverty level;

e. Are aged 75 and older residing in rural portions of the state;

f. Are aged 75 and older;

g. Are frail;

h. Are American Indians.

6.6(3) Client estimates in area plans. Area agencies shall estimate the number of elders with the characteristics identified in subrule 6.6(2) who will be served by each program provided under the multiyear area plan. The department shall provide a mechanism, as part of the uniform multiyear area plan format, for the submission of these estimates that will be used to ensure that preference is given in accordance with subrule 6.6(2).

6.6(4) Reporting. AAAs shall report the estimated number of elders with the characteristics identified in subrule 6.6(2) who have been served under the multiyear area plan each quarter in accordance with rule 321—5.13(231).

6.6(5) Compliance.

a. When an AAA's client estimates pursuant to subrule 6.6(3) do not meet or exceed the standard in subrule 6.6(2), the department shall inform the AAA of the deficiency and provide the AAA with an opportunity to revise the estimates.

b. When an AAA's performance pursuant to subrule 6.6(4) does not meet or exceed the standard in subrule 6.6(2), the department will review the AAA's efforts to meet the standards and recommend a further course of action.

321—6.7(231) Coordination with other programs.

6.7(1) General rule. Each AAA shall coordinate the administration of its plan with the federal and state employment programs and with other federal, state and local resources in order to develop a comprehensive and coordinated service system. The AAA shall establish effective and efficient procedures for coordination between the programs assisted under the Older Americans Act and of the programs listed in OAA 203(b) including:

- a.* The Job Training Partnership Act;
- b.* Title II of the Domestic Volunteer Service Act of 1973;
- c.* Titles XVI, XVIII, XIX, and XX of the Social Security Act;
- d.* Sections 231 and 232 of the National Housing Act;
- e.* The United States Housing Act of 1937;
- f.* Section 202 of the Housing Act of 1959;
- g.* Title I of the Housing and Community Development Act of 1974;
- h.* Title I of the Higher Education Act of 1965, and the Adult Education Act;
- i.* Sections 3, 9, and 16 of the Urban Mass Transportation Act of 1964;
- j.* The Public Health Service Act including block grants under Title XIX of the Public Health Service Act;
- k.* The Low-Income Home Energy Assistance Act of 1981;
- l.* Part A of the Energy Conservation in Existing Buildings Act of 1976, relating to weatherization assistance for low-income persons;
- m.* The Community Services Block Grant Act; and
- n.* Demographic statistics and analysis programs conducted by the Bureau of Census under Title 13, United States Code.
- o.* Part II and III of Title 38, United States Code pertaining to veterans' benefits 203B(15) OAA;
- p.* The Rehabilitation Act of 1973 and 203B(16) OAA;
- q.* The Developmental Disabilities and Bill of Rights Act, 203B(17) OAA.

6.7(2) Coordination for natural disasters. Coordination for safety and the restoration of normal living conditions for elders after a natural disaster. Each AAA shall coordinate planning with other agencies for ensuring the safety of elders, timely continuity of service and restoration of normal living conditions after a natural disaster or other safety threatening situation occurs by alerting elders of the impending disaster, assessing the needs of elders after the disaster occurs, and, in collaboration with other agencies, by ensuring that identified needs are met. To further this purpose, each AAA shall:

- a.* Include in the procedures manual provided for in rule 6.8(231) procedures to respond to emergency or disaster situations;
- b.* Include in the staff development and training plan provided for in subrule 6.1(7) training for staff, contractors, and other interested parties in response to emergency or disaster situations; and
- c.* Include in subgrants or contracts provisions for responding to emergency situations including, but not limited to, shifting funds from one activity to another or from one contractor to another.

6.7(3) Services not under these rules. The AAA may plan, coordinate and provide services funded under other programs consistent with responsibilities of an AAA.

321—6.8(231) AAA procedures manual. A procedures manual for the AAA shall be developed, followed and kept updated by the AAAs. The AAA procedures manual shall, at a minimum, contain procedures for:

1. The effective coordination of programs and activities related to the purpose of the Older Americans Act as provided in rule 6.4(231);
2. Coordination and outreach activities by service providers;
3. Designating community focal points as provided in rule 6.4(231);
4. Providing technical assistance to service providers in subrule 6.4(1), paragraph “d”;
5. Awarding grants or contracts under the area plan as provided in rule 6.9(231);
6. Resolving complaints by AAA employees, senior community service employment program applicants and enrollees as outlined in 321—subrule 10.3(2), paragraph “g,” any participant in services under the multiyear area plan, applicants to provide services, services providers, subcontractors or any other agency, organization or individual directly aggrieved by action of AAA. AAA appeal procedures shall be in compliance with relevant statutes, regulations, or rules and shall contain at least the following procedures and time frames for complaint review:
 - Acknowledgment of the complaint;
 - Process for attempting to informally resolve the complaint;
 - Sending a hearing notice;
 - Holding a hearing;
 - Notification of the outcome of the hearing;
 - Appeal to the next higher authority;
7. Ensuring that no information about, or obtained from, an elder is disclosed in a form that identifies the person without the person’s informed consent as provided in subrule 6.2(1);
8. Giving preference to elders with greatest economic or social need, with an emphasis on minority and rural elders, in the provision of services under the plan as provided in rule 6.4(231);
9. The notification and conducting of at least one public hearing on the multiyear area plan as provided in 321—subrule 4.21(1);
10. Monitoring and assessing programs and subcontracts funded by the AAA, including written monitoring reports at least quarterly and an on-site assessment report at least annually as provided in rule 6.4(231);
11. Responding to emergency or disaster situations as provided in subrule 6.7(2);
12. The collocation of services as provided in 321—subrule 7.2(2);
13. Service providers to obtain the views of participants about services they provide as provided in subrule 6.13(3);
14. The determination of the individual’s eligibility for home-delivered nutrition services, established by the AAA, or the provider with AAA approval including specific criteria for:
 - Initial and subsequent six-month assessments of the individual’s eligibility for home-delivered meals;
 - Determination of the number of days per week the individual has a need for home-delivered meals; and
 - Determination of the individual’s need for other home-delivered nutrition services;
15. Ensuring that any facility housing an Older Americans Act program or service will fully comply with federal, state or local health, fire, safety, sanitation, accessibility and licensure requirements as provided in 321—subrule 7.1(3); and
16. A memorandum of agreement between the AAA and the local intergovernmental review which covers the means for coordinating their planning activities as provided in 321—subrule 4.20(4);
17. Procedures to ensure that service providers perform in accordance with terms, conditions and specifications for funding, including length of funding period, use of project income, method of providing service and performance requirements.
18. Procedures to offer a meal, on the same basis as meals are offered to eligible individuals, to individuals providing volunteer services during meal times, if appropriate.

19. Procedures to offer a meal to nonelderly individuals with disabilities who reside at home with and accompany older individuals who are eligible under the Act; and

20. Procedures to offer home-delivered meals to nonelderly individuals with disabilities when their eligible elderly caregiver is in need of a home-delivered meal.

21. Educating and alerting the public in methods for the prevention of abuse, neglect and exploitation of older persons.

321—6.9(231) AAA subgrants or contracts.

6.9(1) General rule. Each AAA shall enter into subgrants or contracts to provide services.

6.9(2) Contract file. AAAs shall maintain a file of all current contracts with service-providing agencies or organizations for monitoring and assessment by the department.

6.9(3) Contracts with profit-making organizations. The AAA shall submit to the department, for prior approval by the executive director, any proposed contracts with profit-making organizations for services under the multiyear area plan.

a. The department may approve the contracts only if the AAA demonstrates that the profit-making organization can provide services that are consistent with the goals of the AAA as stated in the multiyear area plan.

b. A separate approval request, using the request form provided by the department, shall be filed for each contract between the AAA and a provider for a program or service that is proposed to be delivered by a profit-making organization.

(1) The request for approval shall be submitted to the department by the AAA at least 30 days prior to the signing of the contract by the AAA and the service provider.

(2) All applicants to provide services for which the contract is proposed shall be listed on the request form completed by the AAA.

(3) The AAA shall demonstrate that the profit-making organization can provide service consistent with the goals as stated in the multiyear area plan.

c. Services shall mean the services described in the “uniform definitions of services” issued by the department.

321—6.10(231) Exception to the provision of service by subgrants or contracts.

6.10(1) Exceptions. The direct provision by an AAA of the following services does not require the submission by the AAA of a request to provide the service directly: information and referral, outreach, employment, case management, advocacy representation, mental health outreach, public education and coordination of efforts concerning the prevention of elder abuse and care review committee coordination.

6.10(2) Request to provide services directly. AAAs may provide services directly by submitting a request which is approved by the department based on documentation that:

a. The direct provision of service is necessary to ensure an adequate supply; or

b. Services of comparable quality can be provided more economically by the area agency.

6.10(3) Documentation. Requests to provide services directly and supporting documentation shall be submitted as part of the multiyear area plan.

6.10(4) Public hearing. The AAA shall hold a public hearing regarding services the AAA plans to provide directly prior to the submission of the multiyear area plan. The purpose of the public hearing is to give specific opportunity for comment. This public hearing may be held separately or this topic may be included in the public hearing for the multiyear area plan.

a. Notice of the public hearing shall be issued at least 30 days prior to the public hearing and shall specify the services which the AAA plans to provide directly.

b. The AAA shall prepare and submit to the department a written record of the public hearing.

6.10(5) Criteria for approval of a request to provide service directly. Approval of the AAA’s request to provide service directly will be based upon review of the documentation provided by the AAA as follows:

a. Direct provision of service shall be considered necessary to ensure an adequate supply of the service if no other potential service provider is identified during the public hearing process; or

b. Direct provision of service shall be considered to be of comparable quality and provided more economically if, in the judgement of the department:

(1) The proposed service will be of comparable quality in the view of the AAA advisory council, and will meet or exceed service standards developed by the AAA; and

(2) The AAA can provide the service at lower cost than another provider.

c. The department may consider other factors including the demonstrated capacity of the AAA or other provider to deliver services consistently and reliably, the economic impact of transition from one provider to another, consideration of the disruption of service, input from the AAA advisory council and comments from the public at the public hearing.

6.10(6) Conditional approval. If the criteria for the approval of a request to provide direct services have not been met, a condition may be placed on the area plan approval.

321—6.11(231) Noncompliance status. When an AAA's performance in any service does not meet the service standards set by the department, the department shall initiate the procedure identified in 321—subrule 4.15(1).

321—6.12(231) Priority service requirement.

6.12(1) General rule. An AAA shall spend on priority services a specified percentage of its supportive services allotment as identified in 321—subrule 5.2(1), excluding amounts of federal funds used for administration under 321—subrule 5.7(1). Funds shall be spent in each of the following priority service categories in at least the percentage most recently determined by the commission:

a. Access services which are transportation, outreach, and information and referral;

b. In-home services, identified in rule 321—1.7(231); and

c. Legal assistance, identified in rule 321—7.5(231).

6.12(2) Public hearing. An AAA shall include the priority services and priority services requirement in subrule 6.12(1) as a distinct agenda item in the AAA public hearing required for the multiyear area plan.

a. Public hearing notices shall specify priority services as a special topic at the public hearing.

b. Public hearing discussion of priority services by the AAA shall include the level of priority services being provided by all other agencies.

c. The public hearing agenda shall give the public specific opportunity to comment during the priority services portion of the agenda.

d. The AAA shall prepare a record of the public hearing. If a waiver is being requested, the AAA shall submit a copy of the public hearing record to the department with the multiyear area plan.

6.12(3) Waivers.

a. An AAA shall request a waiver from the requirements of subrule 6.12(1) if it does not propose sufficient funding to allow elders to have reasonably convenient access to the service.

b. The commission, in approving the multiyear area plan or a plan amendment, shall, upon recommendation of the director, waive the requirement of subrule 6.12(1) for any category of service for which the AAA demonstrates the following:

(1) That the services being furnished for the category meet the needs of elders in the planning and service area for that category of service; or

(2) The AAA documents that it has made every reasonable effort to meet the need for a specific category of service.

321—6.13(231) Requirements for service providers.

6.13(1) Contributions. As established by contract with the AAA, each service provider, including AAAs providing direct service, shall:

- a. Provide each elder with a free and voluntary opportunity to contribute to the cost of the service by prominently displaying or distributing a suggested contribution schedule which takes into consideration income ranges of eligible individuals in local communities;
- b. Protect the privacy of each older person with respect to the person's contributions;
- c. Utilize appropriate procedures to safeguard and account for all contributions, ensure against loss, mishandling or theft by bonding employees in accordance with guidelines set forth by the department; and
- d. Use all contributions to expand the services of the provider under the area plan. Nutrition service providers shall use all contributions to increase the number of meals served.

6.13(2) *Failure to contribute.* A service provider that receives department funds may not deny any older person a service because the older person will not or cannot contribute to the cost of the service.

6.13(3) *Obtain views of elders.* Each service provider under the multiyear area plan shall utilize procedures determined by the AAA for obtaining the views of participants about the services they receive. A report of procedures utilized and findings shall be made by the AAA within six months of the signing of the contract.

6.13(4) *Compliance by service providers.* The AAA shall establish in its contract with each service provider an assurance that funds are used in compliance with federal guidelines.

321—6.14(231) Entrepreneurial activities of AAAs. As a general policy consideration, AAAs attempting entrepreneurial activities should carefully examine the activity to ensure compatibility with its designation as an AAA. The following shall apply to all AAAs, unless the agency is otherwise prohibited by other statute, rule or order:

6.14(1) *Definition.* Entrepreneurial activity includes:

- a. The manufacturing, processing, selling, offering for sale, renting, leasing, delivering, dispensing, distributing or advertising of goods or services for profit.
- b. A contract or agreement that an AAA will provide specific named service(s) for third-party payees.

6.14(2) *Demonstrated need—use of funds.* AAAs may engage in entrepreneurial activities if the activity is in response to a demonstrated need and the funds raised by such activities are used for the following purposes:

- a. To further extend services and opportunities for the elders of the area, or
- b. To initiate services and opportunities for the elders of the area, provided that these services or opportunities are compatible with the AAA's functions and goals.

6.14(3) *Restrictions.* AAAs shall not use funds received from the department in connection with entrepreneurial activities.

a. Entrepreneurial activities shall not be undertaken until they have been reviewed by the AAA advisory council and approved by the AAA governing board.

b. An AAA that engages in entrepreneurial activities outlined in subrule 6.14(1), paragraph "a," shall not create the impression that the activity is being carried on under governmental authority.

c. Funds received by AAAs as a result of entrepreneurial activities shall be monitored and accounted for by AAAs according to generally accepted accounting and auditing practices, according to the nature of the activity.

d. Entrepreneurial activities shall be pursued by AAAs only if the duties and responsibilities required of AAAs in rule 6.4(231) are consistently provided by the AAA in a capable manner.

e. A contract or agreement, such as for contract eldercare, made between an AAA and a funder of a specific service or services in the PSA, shall not restrict an AAA from contracting with other funder(s) of similar services.

f. Entrepreneurial activities shall benefit all appropriate and eligible persons, particularly those older persons in the greatest economic and social need and low-income minority persons, in the geographic area in which the activities are provided.

6.14(4) *Information procedures.* Information to the department concerning activities in subrule 6.14(1), paragraph "a."

a. The AAA will inform the department in writing not less than 90 calendar days prior to the initiation of an entrepreneurial activity of an ongoing nature, describing the proposed activity, proposed source of funds, and the needs being addressed.

b. The department shall respond in writing within 30 calendar days after receipt of the information submitted by the AAA to acknowledge receipt, request clarification or request a delay in implementation, and provide a copy of the response to the commission for informational purposes. An AAA receiving no response from the department within 30 days may assume that no additional submission of information is required.

c. Information will be provided to the commission at the next commission meeting if unresolved questions remain after 60 calendar days of receipt of the information from the AAA.

6.14(5) Requirements for AAA. AAA contracting to provide any service, or combination of services, such as contract eldercare, shall:

a. Provide the contract to the department for review prior to signing;

b. Include the service(s) in the multiyear area plan, plan revisions and amendments; and

c. Require payment for service(s) to fully cover, at a minimum, all costs of service provision including overhead and administrative costs of the service to eliminate the possibility of the use of AOA Title III funds.

6.14(6) Community interest.

a. Entrepreneurial activities pursued by AAAs, or groups or organizations funded by AAAs, shall present no appearance of conflict of interest to the community at large or the individual organizations of the community.

b. AAAs shall work cooperatively with community leaders, groups and organizations in order to participate in entrepreneurial activities.

These rules are intended to implement Iowa Code chapter 231.

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