

AGING, DEPARTMENT ON[17]

Adopted and Filed

Rule making related to contracts and subgrants

The Department on Aging hereby amends Chapter 6, “Area Agency on Aging Planning and Administration,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 17A.3 and 231.14.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 231.33.

Purpose and Summary

These amendments satisfy the requirements of 2018 Iowa Acts, House File 2451, section 9, which eliminated the use of subgrants in emergency situations, to ensure appropriate use of funds for services and to comply with the Older Americans Act.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 17, 2019, as **ARC 4544C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on Aging on September 12, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 17—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on February 19, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **6.9(2)“c”** as follows:

c. Include in ~~subgrants or~~ contracts provisions for responding to emergency or disaster situations including, but not limited to, shifting funds from one activity to another or from one contractor to another.

ITEM 2. 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 3. Amend rule 17—6.11(231) as follows:

17—6.11(231) Contracts and subgrants.

6.11(1) and **6.11(2)** No change.

6.11(3) Contracts with for-profit organizations. An AAA must request prior approval from the department of any proposed service contracts with for-profit organizations under an area plan.

a. No change.

b. The department may approve the contracts only if the AAA demonstrates that the for-profit organization can provide services that are in compliance with the Older Americans Act and consistent with the goals of the AAA as stated in the area plan.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/15/20.