

CHAPTER 29  
REDUCTION OF AREA AGENCIES ON AGING

**17—29.1(231) General.** The Iowa department on aging is mandated, pursuant to 2012 Iowa Acts, House File 2320, to reduce the number of area agencies on aging effective July 1, 2013. These rules shall be used to supplement current department rules. If these rules conflict with another rule of the department, these rules shall be given priority. These rules shall terminate on July 1, 2014.

[ARC 0499C, IAB 12/12/12, effective 11/19/12; ARC 0626C, IAB 3/6/13, effective 4/10/13]

**17—29.2(231) Definitions.** Words and phrases used in this chapter shall be as defined in 17—Chapter 1 unless the context of the rule indicates otherwise. The following definitions also apply to this chapter:

“*Assets*” means any funds, goods, property, or equipment that is owned, operated, maintained, or in the possession of an area agency on aging and that has been acquired by said area agency on aging with public funds obtained due to designation as an area agency on aging.

“*Dedesignated area agencies on aging*” means area agencies on aging that have been dedesignated by the commission effective June 30, 2013.

“*Designated area agencies on aging*” means area agencies on aging designated by the commission to serve the newly designated planning and service areas effective July 1, 2013.

[ARC 0499C, IAB 12/12/12, effective 11/19/12; ARC 0626C, IAB 3/6/13, effective 4/10/13]

**17—29.3(231) Dedesignation—identification of organization.**

**29.3(1)** Dedesignated area agencies on aging shall cease all business and operations conducted pursuant to designation as an area agency on aging as of 11:59 p.m. on June 30, 2013. Ceasing all business and operations conducted pursuant to designation as an area agency on aging does not include any remaining actions that must be taken to accomplish complete closure of the dedesignated area agency on aging, including but not limited to satisfying debts, completing a final audit, and filing a final tax return.

**29.3(2)** After 11:59 p.m. on June 30, 2013, dedesignated area agencies on aging shall not operate as an area agency on aging and shall not take any actions that create the appearance of operating as an area agency on aging.

**29.3(3)** After 11:59 p.m. on June 30, 2013, dedesignated area agencies on aging shall cease to use the term “area agency on aging” in any manner for purposes of entity identification.

[ARC 0499C, IAB 12/12/12, effective 11/19/12; ARC 0626C, IAB 3/6/13, effective 4/10/13]

**17—29.4(231) Cooperation mandated.** Dedesignated area agencies on aging shall cooperate in good faith with designated area agencies on aging to accomplish a safe, orderly, and uninterrupted transfer of services to individuals receiving services within the newly designated planning and service areas and to accomplish a safe and orderly transfer of files, records, and assets. Cooperation includes, but is not limited to, providing necessary documents and assets and adhering to federal and state laws, rules, and regulations governing transfer of files, records, and assets.

[ARC 0499C, IAB 12/12/12, effective 11/19/12; ARC 0626C, IAB 3/6/13, effective 4/10/13]

**17—29.5(231) Assumption of services provided to individuals.**

**29.5(1)** Designated area agencies on aging shall submit information to the department outlining the plan to assume the role of providing services in a safe and orderly manner to all individuals currently receiving services from the dedesignated area agencies on aging located within the counties that comprise the designated area agency on aging’s planning and service area.

**29.5(2)** The plan shall be received by the department by the close of business on February 15, 2013. The plan shall be submitted to the department in writing and sent to the following address: Iowa Department on Aging, Jessie Parker Building, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319.

**29.5(3)** The plan shall include at a minimum the following information:

a. The full plan to ensure that services received by individuals through the dedesignated area agency on aging shall be transitioned to the designated area agency on aging in a safe and orderly manner;

*b.* The full plan to ensure that individuals receiving services from the dedesignated area agency on aging shall continue to receive services at the designated area agency on aging that are, at a minimum, consistent with the services the individual received at the dedesignated area agency on aging;

*c.* The full plan to ensure that individuals receiving services from the dedesignated area agency on aging will be transitioned to the designated area agency on aging without a disruption of services;

*d.* The location of the main office for the designated area agency on aging and the location of all satellite offices; and

*e.* The signature of the executive director and board chairperson of the designated area agency on aging attesting that the designated area agency on aging is able to meet the needs of individuals receiving services within the newly designated planning and service area and that the needs of these individuals will be met without a disruption of services during the transition period.

**29.5(4)** The department, in its discretion, may request additional information from the dedesignated area agency on aging, the designated area agency on aging, or both, as it deems required by the circumstances.

**29.5(5)** The department, in its discretion, shall accept or reject the plan to assume services. If the department rejects the plan to assume services, the department shall provide the designated area agency on aging with a plan of correction and shall require the designated area agency on aging to resubmit the plan to assume services according to the plan of correction.

**29.5(6)** Failure to comply with this rule may result in one or more of the following:

*a.* The designated area agency on aging may be required to accept and follow technical assistance provided by the department.

*b.* The designated area agency on aging may be subject to additional monitoring, including but not limited to desk and on-site monitoring.

*c.* The designated area agency on aging may be subject to dedesignation pursuant to 17—Chapter 4.

[ARC 0499C, IAB 12/12/12, effective 11/19/12; ARC 0626C, IAB 3/6/13, effective 4/10/13]

#### **17—29.6(231) Transfer of assets.**

**29.6(1)** Dedesignated area agencies on aging shall submit information to the department outlining the dedesignated area agency on aging's plan to transfer all assets to the designated area agency on aging that will provide services to the same counties served by the dedesignated area agency on aging.

**29.6(2)** The plan shall be received by the department by the close of business on February 15, 2013. The plan shall be submitted to the department in writing and sent to the following address: Iowa Department on Aging, Jessie Parker Building, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319.

**29.6(3)** The plan shall include at a minimum the following information:

*a.* A list of all assets that will be transferred to the designated area agency on aging that will provide services to the same counties served by the dedesignated area agency on aging;

*b.* The estimated fair market value of each item provided in the list of assets and the basis for the estimated value;

*c.* The date of purchase, purchase price, and funding source for each asset;

*d.* The name and address of the designated area agency on aging that will receive the assets upon transfer;

*e.* The manner in which each of the assets will be transferred;

*f.* An explanation of how the dedesignated area agency on aging will comply with federal and state laws, rules, and regulations pertaining to the transfer of assets;

*g.* The projected date on which the transfers will occur; and

*h.* The signature of the executive director and board chairperson of the dedesignated area agency on aging attesting that the dedesignated area agency on aging has cooperated in good faith with the designated area agency on aging to accomplish the transfer and that the list of assets is accurate as of the date of submission of the plan.

**29.6(4)** The department, in its discretion, may request additional information from the dedesignated area agency on aging, the designated area agency on aging, or both, as it deems required by the circumstances.

**29.6(5)** The department, in its discretion, shall accept or reject the plan to transfer assets. If the department rejects the plan to transfer assets, the department shall provide the dedesignated area agency on aging with a plan of correction and shall require the dedesignated area agency on aging to resubmit the plan to transfer assets according to the plan of correction.

**29.6(6)** Failure to comply with this rule may result in one or more of the following:

*a.* The dedesignated area agency on aging may be required to accept and follow technical assistance provided by the department.

*b.* The dedesignated area agency on aging may be subject to additional monitoring, including but not limited to desk and on-site monitoring.

*c.* The dedesignated area agency on aging may be subject to dedesignation pursuant to 17—Chapter 4. This dedesignation is a distinct and separate procedure and would be effective prior to June 30, 2013.

**29.6(7)** The designated area agency on aging shall accept all assets provided by the dedesignated area agency on aging and shall determine appropriate disposition of all assets pursuant to federal and state laws, rules, and regulations.

[ARC 0499C, IAB 12/12/12, effective 11/19/12; ARC 0626C, IAB 3/6/13, effective 4/10/13]

#### **17—29.7(231) Transfer of client files and records.**

**29.7(1)** Dedesignated area agencies on aging shall submit information to the department outlining the dedesignated area agency on aging's plan to transfer all client files and records to the designated area agency on aging that will provide services to the same counties served by the dedesignated area agency on aging.

**29.7(2)** The plan shall be received by the department by the close of business on February 15, 2013. The plan shall be submitted to the department in writing and sent to the following address: Iowa Department on Aging, Jessie Parker Building, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319.

**29.7(3)** The plan regarding the transfer of client files and records shall include at a minimum the following:

*a.* An explanation of how the dedesignated area agency on aging will comply with federal and state laws, rules, and regulations pertaining to the transfer of client files and records;

*b.* The projected date on which the transfer will occur; and

*c.* The signature of the executive director and board chairperson of the dedesignated area agency on aging attesting that the dedesignated area agency on aging has cooperated in good faith with the designated area agency on aging to accomplish the transfer.

**29.7(4)** The department, in its discretion, may request additional information from the dedesignated area agency on aging, the designated area agency on aging, or both, as it deems required by the circumstances.

**29.7(5)** The department, in its discretion, shall accept or reject the plan to transfer client files and records. If the department rejects the plan to transfer client files and records, the department shall provide the dedesignated area agency on aging with a plan of correction and shall require the dedesignated area agency on aging to resubmit the plan to transfer client files and records according to the plan of correction.

**29.7(6)** Failure to comply with this rule may result in one or more of the following:

*a.* The dedesignated area agency on aging may be required to accept and follow technical assistance provided by the department.

*b.* The dedesignated area agency on aging may be subject to additional monitoring, including but not limited to desk and on-site monitoring.

*c.* The dedesignated area agency on aging may be subject to dedesignation pursuant to 17—Chapter 4. This dedesignation is a distinct and separate procedure and would be effective prior to June 30, 2013.

**29.7(7)** The designated area agency on aging shall accept all files and records provided by the dedesignated area agency on aging and shall determine appropriate disposition of all files and records pursuant to federal and state laws, rules, and regulations.

**29.7(8)** The designated area agency on aging shall keep and maintain files and records for a minimum of three years, or for a time period otherwise determined by federal and state laws, rules, and regulations, whichever period of time is longer.

[ARC 0499C, IAB 12/12/12, effective 11/19/12; ARC 0626C, IAB 3/6/13, effective 4/10/13]

**17—29.8(231) Closing audit and interim financial statements.**

**29.8(1)** Dedesignated area agencies on aging shall provide the year-end audit for state fiscal year 2013 to the department no later than December 31, 2013.

**29.8(2)** Each dedesignated area agency on aging shall provide interim financial statements, bank statements, and notification of any significant purchase or disposition of assets, as related to state and federal funds, to the department for the fiscal quarters ending December 31, 2012, March 31, 2013, and June 30, 2013, within 30 days after the end of each fiscal quarter. The interim financial statements shall include the balance sheet, the income statement, and the statement of cash flows. In its discretion, the department may request additional supporting documentation, which shall be provided by the dedesignated area agency on aging according to guidelines and time frames supplied by the department.

**29.8(3)** Failure to comply with any provision of this rule may result in one or more of the following:

*a.* The dedesignated area agency on aging may be required to accept and follow technical assistance provided by the department.

*b.* The dedesignated area agency on aging may be subject to additional monitoring, including but not limited to desk and on-site monitoring.

*c.* The dedesignated area agency on aging may be subject to dedesignation pursuant to 17—Chapter 4. This dedesignation is a distinct and separate procedure and would be effective prior to June 30, 2013.

[ARC 0499C, IAB 12/12/12, effective 11/19/12; ARC 0626C, IAB 3/6/13, effective 4/10/13]

These rules are intended to implement 2012 Iowa Acts, chapter 1028.

[Filed Emergency ARC 0499C, IAB 12/12/12, effective 11/19/12]

[Filed ARC 0626C (Notice ARC 0498C, IAB 12/12/12), IAB 3/6/13, effective 4/10/13]