

**17—5.2(231) Distribution of Older Americans Act funds to area agencies on aging.** On and after July 1, 2013, the following shall apply:

**5.2(1)** The department shall review the formula for distribution within the state of funds received under the Older Americans Act and required to be distributed by funding formula every four years, at a minimum. The department, in its discretion, shall determine whether to maintain the existing formula or develop a new formula based on the criteria outlined in the Older Americans Act and on other relevant factors.

**5.2(2)** The department shall comply with all federal and state laws, rules, and regulations in developing a formula for distribution within the state of funds received under the Older Americans Act.

**5.2(3)** The department shall adhere to the following process to develop and adopt a formula for distribution within the state of funds received under the Older Americans Act:

*a.* The department shall hold a minimum of one meeting with area agencies on aging to facilitate discussion and receive comment regarding the proposed formula for distribution.

*b.* The department shall publish the proposed formula for distribution for review and comment by posting the information on the department's Web site. The publication shall comply with all criteria outlined in the Older Americans Act. The publication shall be posted on the department's Web site for a minimum of 30 calendar days prior to the date set for commission consideration of the proposed formula for distribution. The publication shall provide the method and time frame for acceptance of public comment.

*c.* The department shall distribute a press release containing the proposed funding formula to all newspapers within the state.

*d.* The information published pursuant to paragraph 5.2(3) "b" shall be mailed, via standard postal delivery or electronic mail, to the executive director and board chairperson of each area agency on aging a minimum of 30 calendar days prior to the date set for commission action to approve the formula for distribution.

*e.* The department shall accept written public comment in response to publication of the proposed formula for a minimum of 14 calendar days following publication. The method and time frame for acceptance of public comment shall be provided in the information published pursuant to paragraphs 5.2(3) "b" and "c."

*f.* The department shall submit the proposed formula for distribution to the Assistant Secretary of the U.S. Department of Health and Human Services for approval pursuant to the Older Americans Act.

*g.* The department shall review all public comments received and provide a summary for the commission's review.

*h.* The department shall submit to the commission for consideration a proposed formula to distribute funds within the state.

*i.* The commission may, in its discretion, approve or disapprove the department's proposed formula for distribution of funds within the state. If the commission disapproves the department's proposed formula, the department shall develop an alternate formula for distribution of funds within the state after following all procedures provided in rule 17—5.2(231).

*j.* The commission's final decision shall be posted on the department's Web site, [www.aging.iowa.gov](http://www.aging.iowa.gov).

*k.* The department shall distribute federal funds proportionately based on a state fiscal year.

**5.2(4)** NSIP. Each area agency on aging shall receive a portion of the NSIP allotment to the department based on the proportion of an area agency on aging's eligible meals related to the total of NSIP-eligible meals for all area agencies on aging.

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