

17—4.3 (231) Planning and service areas.

4.3(1) Designation. The Older Americans Act requires the department to develop a plan dividing the state into distinct planning and service areas and to submit the plan to the commission for consideration.

4.3(2) Change in designation. The department may, in its discretion, submit a plan to the commission to change existing planning and service area designations for any of the following reasons:

- a. A change or reduction in the number of planning and service areas is mandated by state or federal law;
- b. A change occurs in the geographical distribution of older individuals in the state;
- c. A change occurs in the incidence of the need for or in the distribution of resources and services outlined in the Older Americans Act;
- d. A change occurs in the distribution of older individuals who have greatest economic or social need or who are Indians residing in such areas;
- e. A change occurs in the location of units of general purpose local government within the state;
- f. A change occurs in the boundaries of existing areas within the state which were drawn for the planning or administration of supportive service programs; or
- g. Any other relevant factors as determined by the department.

4.3(3) Designation requirements for units of general purpose local government. The department may, in its discretion, recommend to the commission for its consideration designation of any unit of general purpose local government as a planning and service area.

4.3(4) Process to designate or change planning and service areas. The department's submission to the commission of a plan to divide the state into distinct planning and service areas or change an existing plan shall be acted upon by the commission only after affected parties have been provided notice and an opportunity to be heard as required by the Older Americans Act.

a. Notice.

(1) The department shall send by certified mail, return receipt requested, a written notice of intent to designate planning and service area boundaries or change existing planning and service area boundaries by mailing said notice to all area agency on aging executive directors and board chairs. The department shall also publish a notice in at least one newspaper of statewide circulation and one newspaper circulated in each county located within the affected planning and service area(s) to provide notice to affected parties, including older individuals, individuals with disabilities, service providers, and units of general purpose local government. Notice shall also be provided by posting the notice on the department's Web site, www.aging.iowa.gov.

(2) The notice shall document the need to designate planning and service area boundaries or change existing planning and service area boundaries and provide a process for submitting written comments to the department for consideration by the commission.

b. Public hearing.

(1) The department shall hold at least one public hearing to obtain comments and provide information on the plan to designate planning and service area boundaries or change existing planning and service area boundaries within 90 days of providing notice pursuant to paragraph 4.3(4) "a."

(2) Information provided by the department at the public hearing shall include, but not be limited to, the proposed planning and service area boundary designations or changes, the reason(s) for the designations or changes, legal authority to designate or change planning and service area boundaries, identification of affected individuals or groups of individuals, and procedures for appealing the proposed planning and service area designations or changes.

(3) Instructions for providing written comments to the department regarding the proposed planning and service area designations or changes shall be provided at the public hearing and shall be posted on the department's Web site, www.aging.iowa.gov.

4.3(5) *Review of comments.* The department shall review all public comments received and provide a summary for the commission's review.

4.3(6) *Department submission of proposed recommendation to the commission.* The department shall submit to the commission for consideration a proposed recommendation regarding the designation of or change to planning and service areas.

4.3(7) *Commission approval or disapproval of proposed designation of or change to planning and service areas.* The commission may, in its discretion, approve or disapprove the department's proposed recommendation to divide the state into distinct planning and service areas or change existing designations. If the commission disapproves the department's proposed recommendation, the department shall develop an alternate recommendation for commission consideration after notice and an opportunity for public comment as provided in subrule 4.3(4). The commission's final decision shall be posted on the department's Web site, www.aging.iowa.gov. The commission's final decision is other agency action for the purposes of Iowa Code section 17A.19.

4.3(8) *State appeal of commission decision.* A party aggrieved or adversely affected by the commission's final decision may seek judicial review in accordance with Iowa Code section 17A.19. Such party shall serve a copy of the petition for judicial review upon the Director, Department on Aging, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319-9025.

4.3(9) *Federal appeal of commission's decision.* An adversely affected party may appeal, in writing, the commission's decision regarding a planning and service area designation or change to the Assistant Secretary for Aging of the Administration on Aging, Washington, DC 20201, on the basis of the facts and merits of the matter that is the subject of the action or proceeding or on procedural grounds within 30 days of the commission's final decision. Written requests shall state: (1) the decision for which an appeal is being made, and (2) the legal name(s), address(es), telephone number(s), and e-mail address(es) of the individual or entity requesting the appeal. A copy of this request shall also be mailed to the Director, Department on Aging, 510 E. 12th Street, Suite 2, Des Moines, Iowa 50319. All questions regarding the federal appeal process should be addressed to the Assistant Secretary for Aging at the address provided above.

4.3(10) *Official designation.* Official designation of or change to a planning and service area shall not occur until the final disposition of all appeals.