

Kansas Administrative Regulations

Kansas Department for Aging and Disability Services

Article 1.—General Provisions

26-1-9. Withdrawal of area agency on aging designation.

(a) An area agency's designation shall be withdrawn by the secretary after reasonable notice and opportunity for a hearing, for any of the following reasons:

(1) An area agency does not meet federal, state, or local requirements.

(2) An area plan or plan amendment is not approved.

(3) There is substantial failure in the provisions, implementation, or administration of an approved area plan to comply with any provision of the older Americans act or the policies and procedures established or published by the department.

(4) The area agency voluntarily withdraws as the designated area agency on aging, which shall be effective only with the express written consent of the secretary.

(5) The area agency expends the resources allocated by the department in violation of the federal older Americans act or the policies and procedures established or published by the department.

(6) The area agency does not obtain approval by the department for a revision of its area plan before implementing a change, as required by K.A.R. 26-2-4.

(7) The area agency fails to meet all conditions of a notification of grant award issued by the department by the deadline established by the department.

(8) There is a change in administration that erodes the authority or capacity of the area agency to perform the functions required by law and regulations.

(9) The area agency is insolvent or fails to meet any of its financial obligations, including payroll, rent, utilities, or payment of subgrantees or subcontractors, for a period of at least 90 consecutive days.

(10) The area agency commits fraudulent, unethical, or unprofessional conduct.

(b) The governing board or administrative unit of the area agency shall have 30 days to respond to the department's written notification of withdrawal by submitting for department approval a plan of corrective action that shall describe the following:

- (1) The action steps to be taken to regain area agency designation;
- (2) the expected outcome for each action step; and
- (3) the maximum time frame needed to correct the deficiencies.

(c) If the department withdraws an area agency's designation under subsection (a) of this regulation, the following shall be undertaken by the department:

(1) Provision of a plan for the continuity of area agency functions and services in the affected planning and service area; and

(2) designation of a new area agency in the planning and service area in a timely manner.

(d) If necessary to ensure continuity of services in a planning and service area, either of the following actions may be undertaken by the department, for a period of up to 180 days after its final decision to withdraw designation of an area agency:

(1) Performance of the responsibilities of the area agency; or

(2) assignment of the responsibilities of the area agency to another agency in the planning and service area.

(Authorized by and implementing K.S.A. 1998 Supp. 75-5908; effective March 5, 1999.)

***** Authenticated Kansas Administrative Regulation *****