

Kansas Administrative Regulations

Kansas Department for Aging and Disability Services

Article 1.—General Provisions

26-1-2. Procedure for redesignation of planning and service area boundaries.

(a) Requests for redesignation of existing planning and service area boundaries shall be in writing and may be made by any of the following applicants:

- (1) Any unit of local government;
- (2) any Indian tribal organization;
- (3) any region within the state recognized for area-wide planning; or
- (4) any metropolitan area.

(b) At a minimum, the following factors shall be considered in decisions regarding redesignation of planning and service areas:

- (1) The proposed boundaries' conformity with requirements of the state and federal acts;
- (2) the geographical distribution of persons age 60 and over;
- (3) the relationship of the proposed boundaries to those of other planning and service areas;
- (4) the incidence of need for services and the degree to which resources are available to meet the needs;
- (5) comments by older citizens, units of local government, and other interested parties in the planning and service area; and
- (6) comments of the state advisory council.

(c) A public hearing on the proposed planning and service area redesignation shall be held before taking action on the request. At least one hearing shall be held in the locality of the state where redesignation will alter or modify the existing geographic boundaries.

(d) Applications shall be processed in the following manner:

(1) Within 60 calendar days following the receipt by the department of a request for redesignation, a public hearing shall be held in the geographic area that will be affected by the proposed redesignation.

(2) Advance notice of the hearing shall be given at least 15 calendar days before the date of the hearing by publishing the notice in a newspaper with general circulation in the geographic area that will be affected by the proposed redesignation. The notice shall state the date, time, location, and purpose of the public hearing.

(3) Written comments shall be received on or before the 10th calendar day following the hearing.

(4) The secretary shall render a decision on each request within 60 calendar days after the close of the comment period.

(5) The applicant shall have 30 calendar days following the receipt of the decision to appeal the secretary's decision.

(e) The applicant may withdraw or ask for a continuance of its redesignation request at any time before receiving the secretary's decision. The request shall be made in writing to the secretary. Only one request for continuance shall be allowed for each redesignation request, and, if granted, the continuance shall not exceed 90 calendar days from the date it is requested.

(Authorized by and implementing K.S.A. 1998 Supp. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended, T-86-48, Dec. 18, 1985; amended May 1, 1986; amended May 1, 1987; amended March 5, 1999.)

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