

Kansas Administrative Regulations

Kansas Department for Aging and Disability Services

Article 1.—General Provisions

26-1-3. Procedure for redesignation of area agency on aging.

(a) Only one area agency on aging shall be designated in each planning and service area.

(b) A request for redesignation of an area agency on aging may be submitted by any of the following:

- (1) Any unit of local government;
- (2) any established office on aging operating in a planning and service area;
- (3) any private or public nonprofit agency; or
- (4) any Indian tribal organization.

(c) An area agency on aging shall not be redesignated until:

(1) An on-site review has been completed to determine the capacity of the applicant to conform with the federal and state acts and rules and regulations promulgated pursuant to those acts;

(2) At least one public hearing has been conducted in the planning and service area;

(3) Evidence of support has been provided from:

- (A) Units of local government;
- (B) older persons;
- (C) the state advisory council;
- (D) local advisory councils; and
- (E) other interested parties; and

(4) Evidence has been supplied that the applicant possesses the legal and organizational capacity to carry out the functions specified in the federal and state acts.

(d) Applications shall be processed as follows:

(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 which will be affected by the proposed redesignation.

(2) Advance notice of the hearing shall be given at least 10 calendar days prior to the date of the hearing by publishing the notice in a newspaper which has general circulation in the geographic area which 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 before, at, and up to 10 calendar days following the hearing.

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

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

(e) The party requesting a redesignation of an area agency may withdraw or ask for a continuance of its redesignation request at any time prior to receiving the secretary's decision. The request shall be in writing. Only one request for continuance shall be allowed 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. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended, T-86-48, Dec. 18, 1985; amended May 1, 1986.)

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