**Section 230.110 Designation and Function**

a) The Department shall designate an area agency on aging in each planning and service area designated by the Department pursuant to Subpart A, Section 230.40(g) of this Part, in which the Department decides to allocate funds, based upon the following:

1) The Department shall act to designate an organization or agency as the area agency on aging only when changes in the existing Planning and Service Areas result in the creation of a new Planning and Service Area for which no area agency on aging has been designated, or when the Department withdraws designation from a currently designated area agency on aging (pursuant to standards and procedures specified in Section 230.140) resulting in a Planning and Service Area for which no area agency on aging exists.

2) In order to be eligible for designation by the Department as an area agency on aging, an organization or agency:

A) Shall be one of the following:

i) an established office on aging which is operated within the Planning and Service Area; or

ii) any office or agency of a unit of general purpose local government which office or agency is designated for the purpose of serving as an area agency on aging by the chief elected officials of such unit; or

iii) any office or agency of a unit of general purpose local government, within the Planning and Service Area, which office or agency is designated for the purpose of serving as an area agency on aging by the chief elected officials of any combination of units of general purpose local government to act on behalf of such combination for such purpose; or

iv) any other public or private nonprofit agency in the Planning and Service Area which can demonstrate the capability to develop and administer a comprehensive and coordinated system of services and serve as the advocate and focal point for older persons in the Planning and Service Area. (45 CFR 1321.63)

B) Shall provide a letter of intent to apply to be the area agency on aging for a planning and service area designated pursuant to Subsection 230.40(g) and to include documentation that the agency meets the requirements of Subsection 230.110(a)(2)(A).

3) In designating an area agency on aging, the Department shall give the right of first refusal to a unit of general purpose local government if such unit can meet the requirements of subsection (a)(2) above and the boundaries of the area are reasonably contiguous. In addition, the Department will give preference to an established office on aging unless the Department finds that no such office will have the capability to carry out the area plan. (P.L. 98-459, Section 305 (b)(5)(B))

4) If an organization proposing to serve as an area agency on aging is a multi- purpose agency with responsibilities that go beyond programs for the elderly, it shall delegate all its authority and responsibility as an area agency on aging to a single organizational unit within the organization.

5)

A) Within fifteen (15) days of receipt of a Letter of Intent, the Department, by registered mail, will forward to the address specified in the Letter of Intent, a copy of 45 CFR 1321 (October 1, 1981), a copy of Section 230.110, and an application for designation as an Area Agency on Aging. The application shall require information that addresses the applicant's ability and capability to perform the functions and responsibilities of an Area Agency on Aging. At a minimum, the application will require responses to the following:

i) A certified copy of the resolution, ordinance, or other action, authorizing the submission of the application. No application will be considered as complete without such certification, and no action will be taken thereon.

ii) A thorough description of the nature of the applicant, including the type of organization or agency, its major purpose and any significant subsidiary roles, past experience and expertise in the field of aging service, and a description of the organizational unit responsible for the development of the application.

iii) A map of the Planning and Service Area and a discussion of location of the proposed Area Agency on Aging and any problems or benefits attendant to the location.

iv) A discussion of the agency's or organization's knowledge of key census and population data in the Planning and Service Area.

v) A discussion of the views of units of general purpose local government within the Planning and Service Area, including letters of support from those units, and a description of the process used to obtain those views.

vi) A listing of priority issues of older persons in the Planning and Service Area, including a description of the process used to obtain those views and the process used in prioritization.

vii) A narrative discussion of the capacity of the applicant to respond to the needs and issues identified in the Planning and Service Area, including the applicant's ability to provide adequate financial resources and its ability to develop service systems and resources.

viii) An inventory of existing aging programs in the Planning and Service Area, and the views of current providers, regarding the applicant's acceptability as the Area Agency on Aging.

ix) A discussion of the applicant's ability and capacity to perform an Area Agency's role as a planning, administering, and monitoring agency, as opposed to a direct service delivery agency.

x) A discussion of the applicant's ability to perform Community Care Program Administrative Support Functions.

xi) A discussion of the applicant's plan for developing, maintaining, and monitoring an effective Case Coordination/Case Management System in the Planning and Service Area.

B) Upon receipt of the completed application, the Director shall appoint a review team, composed of Department staff, whose purpose shall be the review of the application for completeness and content.

C) Within thirty (30) days following receipt of the application, the review team shall complete its review of the application and shall forward to the Director:

i) A section-by-section critique of the application including any requests for additional or clarifying information, if needed.

ii) A recommendation for performing an on-site assessment of the applicant pursuant to Sub-Section 230.110(a)(5)(E).

D) Within fifteen (15) days of receipt of the review team's recommendations, the Director shall communicate to the applicant:

i) A section-by-section critique of the application which may include a request for additional or clarifying information; and,

ii) A decision concerning future actions to be taken by the Department, which will be either a statement of the proposed dates of an on-site assessment of the applicant, pursuant to Sub-Section 230.110(a)(5)(E), or a statement that the application has been rejected as unresponsive.

E) In order to make a determination regarding designation in a way which will be efficient, appropriate, and equitable, the Department shall take whatever actions it deems necessary to verify the information contained in the application, which shall include a determination through an on-site assessment of the capacity of the applicant to carry out all the functions of an Area Agency on Aging, as specified in the application and in the Older Americans Act of 1965 (42 U.S.C.A. 5001).

F) Based on the actions taken and information obtained in this Sub-Section, the Director shall make a decision regarding the intent to designate an Area Agency on Aging:

i) A decision not to proceed with the intent to designate the applicant as the Area Agency on Aging shall be transmitted to the applicant by certified mail, return receipt requested.

ii) A decision to proceed with the intent to designate the applicant as the Area Agency on Aging shall follow the procedures stated in Sub-Section 230.110(a)(6).

6) Prior to designation of an area agency on aging:

A) Pursuant to subsection (a)(1) above, the Director shall at least 210 days prior to the beginning of the next area agency on aging grant year issue a written notice of intent to designate an organization or agency as the area agency on aging within a particular Planning and Service Area. This notice shall be processed as follows:

i) The notice shall be transmitted to the proposed area agency on aging.

ii) The notice shall be transmitted to the currently designated area agency on aging, if applicable,

iii) The notice shall be transmitted to the chief elected officials of units of general purpose local government in the Planning and Service Area. The chief elected officials shall be requested to present their views to the Director in writing within thirty (30) days of being notified. Receipt of such views shall be promptly confirmed by the Director in writing. In the absence of a response from the chief elected officials in the Planning and Service Area, the Director shall proceed with the process of designation.

iv) The notice shall be published in a newspaper of general circulation in the Planning and Service Area and in the official newspaper of the State of Illinois.

B) The notice of intent to designate an organization or agency in a Planning and Service Area as the area agency on aging shall comply with all of the following:

i) The notice shall identify the organization or agency to be designated as the area agency on aging in the Planning and Service Area.

ii) The notice shall state the reason for the issuance of intent to designate.

iii) The notice shall announce that a public hearing(s) shall be held in the Planning and Service Area so as to afford the public an opportunity to give testimony regarding the intent to designate.

iv) The notice shall contain the time, the place, and a brief description of the conduct of the hearing(s) and the name, telephone number, and address of the person to be contacted regarding the offering of testimony.

v) The notice shall contain any other information which the Director deems necessary.

C) Public hearing(s) shall be held relative to designation of the organization or agency as the area agency on aging within the Planning and Service Area.

i) Public hearing(s) shall be conducted within forty-five (45) days of the transmittal of the notice of intent to designate the area agency on aging in as many locations as needed to assure convenient public access within the Planning and Service Area but shall not be conducted sooner than fifteen (15) days after publication of the notice of intent to designate.

ii) The presiding officer at the public hearing(s) shall be the Director or other person designated by the Director.

iii) The Department shall produce verbatim transcription of all testimony, a copy of which shall be available for public inspection at the main office of the Department.

iv) The testimony received at the public hearing(s) shall be summarized and provided to the Director who will consider it along with all other information in the possession of the Department in arriving at a decision relative to a preliminary designation of the organization or agency as the area agency on aging.

D) At least 150 days prior to the beginning of the next grant year, a preliminary decision regarding designation shall be provided to the organization or agency seeking designation as the area agency on aging in the Planning and Service Area.

i) The Director shall notify the organization or agency in writing of the preliminary decision to designate it as the area agency on aging in the Planning and Service Area.

ii) The organization or agency so notified shall thereupon submit the assurances required by the Department. Such assurances shall be in writing and consist of a reaffirmation of the intent of the organization or agency to perform the functions and carry out the responsibilities of an area agency on aging set forth in Subsection 230.110(a)(5) and shall be submitted by the organization or agency within fifteen (15) days of receipt of the preliminary decision to designate.

7) Upon receipt and acceptance of the assurances required in subsection 230.110(a)(6)(E)(ii) above and at least 120 days prior to the beginning of the next area agency on aging grant year, the Director shall:

A) Notify the organization or agency of its designation as the area agency on aging in the Planning and Service Area for the coming grant year.

B) Notify the chief elected officials of the units of general purpose local government in the Planning and Service Area of the designation of the organization or agency as the area agency on aging.

C) Publish a notice of designation in newspapers of general circulation in the planning and service area and in the official newspaper of the State of Illinois.

b) Each area agency on aging shall have the following functions within the particular planning and service area:

1) Develop and administer an area plan for a comprehensive and coordinated system of services; and

2) Serve as the advocate and focal point for older persons.

(Source: Amended at 9 Ill. Reg. 5297, effective April 8, 1985)