**Section 230.140 Withdrawal of Area Agency on Aging Designation**

The Department may under certain conditions withdraw designation as an area agency on aging.

a) The Department shall act to withdraw designation of an organization or agency as the area agency on aging within a particular Planning and Service Area when it determines that the currently designated area agency on aging will not be able to comply with the assurances originally given by that area agency on aging for the coming area agency on aging grant year. Circumstances which shall lead to initiation of an action to withdraw designation as an area agency on aging may include but shall not be limited to the following:

1) There is on-going failure of the area agency on aging to meet any of the requirements of a substantive (i.e., essential to the effective administration of the program) Federal or State statute, rule or regulation.

2) Disapproval by the Department of the area plan or any amendments to the area plan;

3) A finding by the Department that the area agency on aging's administration or provisions of its approved area plan fails to comply with the requirements of 45 CFR 1321 (1984 and does not include any later amendments or editions.);

4) Receipt by the Department of written statements by agencies, organizations, or units of general purpose local government in the particular Planning and Service Area including the area agency on aging itself requesting withdrawal of designation as the area agency on aging and providing justification therefore. The Department reserves the right to reject any requests received pursuant to this paragraph which are accompanied by justifications deemed inadequate or spurious;

b) In order to make a determination regarding withdrawal of designation as an area agency on aging which will be efficient, appropriate, and equitable, the Department shall take action which shall include, but not be limited to, consideration of the following:

1) the impact of withdrawal of designation on the provision of services within the affected Planning and Service Area;

2) the comments of the Advisory Council of the currently designated area agency on aging;

3) all information and findings obtained pursuant to subsection (a) above;

4) all other pertinent information in the possession of the Department.

c) Prior to making a preliminary decision regarding withdrawal of designation, the Department shall conduct an informal conference with the area agency on aging to review the issues and facts which have served as the basis for consideration of withdrawal of area agency on aging designation. The results of the conference shall be in writing and transmitted to the area agency on aging. The notification of results of the conference shall set forth the facts ascertained and shall outline the subsequent actions to be taken by the Department.

d) Pursuant to subsections (a), (b), and (c) above:

1) The Director shall, at least 240 days prior to the effective date of withdrawal of designation, issue a written notice of intent to withdraw designation from the area agency on aging. The notice shall:

A) be transmitted to the currently-designated area agency on aging in the affected Planning and Service Area;

B) be transmitted to the chief elected official 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. 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 withdrawal of designation;

C) be published in newspapers of general circulation in the affected Planning and Service Area and in the official newspaper of the State of Illinois;

D) state the reason for the issuance of intent to withdraw designation;

E) announce that a public hearing will be held in the affected Planning and Service Area so as to afford the public an opportunity to give testimony regarding the intent to withdraw designation;

F) contain the time, place, and a brief description of the conduct of the hearing, as well as the name, telephone number, and address of the person to be contacted regarding the offering of testimony;

G) contain any other information which the Director deems necessary.

2) The Department shall hold public hearing(s) within forty-five (45) days of the notice of intent to withdraw designation from the area agency on aging in as many locations as are needed to assure convenient access within the affected Planning and Service Area but such hearing(s) shall not be conducted sooner than fifteen (15) days after publication of the notice of intent to withdraw designation.

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

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

3) The Director shall within fifteen (15) days of the date of the last public hearing held issue a preliminary decision regarding withdrawal of designation. This preliminary decision shall state the reasons for the decision and shall be communicated in writing to:

A) the currently-designated area agency on aging;

B) the chief elected officials of units of general purpose local government in the affected Planning and Service Area.

4) In the event that the decision of the Director is to withdraw designation of the area agency on aging, the Director shall inform the area agency on aging of the right to request a hearing before the Department, conducted pursuant to Section 230.440 et. seq., in regards to the decision.

A) The request for a hearing shall be in writing and shall be received by the Department within thirty (30) days of the area agency on aging's receipt of the Director's preliminary decision to withdraw designation.

B) If the currently-designated area agency on aging fails to request a hearing, the preliminary decision shall become final.

5) No later than 100 days prior to the effective date of withdrawal of designation, the Director shall publish a notice of a final decision regarding withdrawal of designation as an area agency on aging. The final decision to withdraw designation shall be based upon:

A) consideration of all information obtained pursuant to subsections (a), (b) and (c) above;

B) all testimony received at the public hearings held pursuant to subsection (d)(2) above; and

C) all testimony received at the hearing held pursuant to subsection (d)(4) above, if any.

e) In order to guarantee the uninterrupted provision of services whenever circumstances in a designated Planning and Service Area render the designated area agency on aging immediately incapable of developing an area plan and to carry out, directly or through contractual arrangements a program in accordance with the area plan within the entire Planning and Service Area, the Department shall take all appropriate action, including but not limited to acting immediately to withdraw designation of an organization or agency as the area agency on aging on an interim emergency basis. Such withdrawal of designation shall remain in effect as long as necessary, but in no case longer than 180 days.

f) Within the 180 day period, specified in subsection (e) above, the Department shall make a final decision regarding withdrawal of designation as area agency on aging within the affected Planning and Service Area. In so doing the Department will follow procedures specified in subsection (d) above, except that it will not be required to act within the time limits specified.

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