

# Organizational Requirements for Area Agencies on Aging Aging Policy Manual

## I. Planning and Service Areas

The Older Americans Act requires that the Bureau of Aging and Disability Resources divide the state into planning and service areas (PSAs) and designate an area agency on aging (AAA) for each planning and service area.

The Older Americans Act requires the state to consider a number of factors in deciding the nature of the planning and service areas. These include the following:

1. Geographical distribution of older individuals in the state.
2. Incidence of the need of supportive services, nutrition services, multipurpose senior centers, and legal assistance.
3. Distribution of older individuals who have greatest economic need (with particular attention to low income minority individuals) residing in such areas.
4. Distribution of older individuals residing in rural areas.
5. Distribution of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such areas.
6. Distribution of older individuals who are Indians residing in such areas.
7. Distribution of resources available to provide such services or centers.
8. Boundaries of existing areas within the state which were drawn for planning or administration of supportive services programs.
9. Location of unites of general purpose local government within the state, and any other relevant factors.

## II. Organizational Options

The Older Americans Act permits the following options for area agencies on aging:

1. An established office of aging which is operating within a planning and service area, or
2. Any office or agency of a unit of general purpose local government, which is designated to function only for the purpose of serving as an area agency on aging by the chief elected official of such unit, or
3. Any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act only on behalf of such combination for such purpose; or
4. Any public or non-profit private agency in a planning and service area, or any separate organizational unit within such agency, which is under the supervision or direction for this purpose of the Bureau of Aging Disability Resources and which can and will engage only in the planning or provision of a broad range of supportive services or nutrition services within such planning or service area.

The key point to keep in mind is the area agency on aging must be solely focused on serving as an area agency on aging, regardless of its location.

## III. Becoming an Area Agency on Aging

Any organization may petition the Bureau of Aging and Disability Resources for designation as an area agency on aging. Prospective area agencies on aging shall provide assurances, determined adequate by the Bureau of Aging and Disability Resources that the proposed area agency has the structure and ability to meet all requirements for area agencies on aging mandated by the Older Americans Act.

## IV. Appeal Process for Area Agency on Aging Designation

If an organization applies to become an area agency on aging, and if the Bureau of Aging and Disability Resources denies that application, the applicant may appeal the decision. The procedures governing the appeal process will follow the standard hearing process for the Bureau.

An applicant for designation as an area agency on aging, whose application has been denied, and who has been provided a hearing by the Bureau, may appeal the denial to the Administration on Aging within 30 days following the receipt of a state hearing decision.

## **V. Standard Bureau of Aging and Disability Resources Hearing Process**

1. The organization shall file a written request for a hearing with the Bureau within 30 days following the applicant's receipt of notice of the initial decision.
2. The Bureau shall schedule a hearing within 30 days following the receipt of a request for a hearing and shall issue the hearing decision within 60 days of the date of the hearing.
3. The organization shall receive timely written notice of the reasons for the initial decision by the Bureau and the information on which the initial decision was based.
4. The organization shall have an opportunity to review any pertinent information on which the initial decision was based.
5. The organizations shall have an opportunity to appear in person before an impartial decision-maker to refute the basis for the initial decision. The decision-maker must be agreed to by both parties.
6. The organization shall have the opportunity to be represented by counsel or other representative.
7. As part of the hearing process, the organization shall have the opportunity to present witnesses, evidence, and to cross-examine witnesses.
8. The organization will receive a written decision by the impartial decision-maker setting forth the basis for the decision.
9. The Bureau and the organization may terminate the formal hearing process at any time if the Bureau and the organization negotiate a written agreement which resolves the issue(s) that led to the hearing.

## **VI. De-Designation of an Area Agency on Aging**

The Bureau of Aging and Disability Resources may revoke an area agency designation for any of the following reasons:

1. An AAA does not meet the requirements for a AAA listed in federal law and regulation.
2. An area plan or amendment to an area plan is not approved.
3. An AAA is out of compliance with any provision of federal law or regulations, state law or the policies and procedures required by the Bureau of Aging and Disability Resources.
4. Activities of an AAA are inconsistent with the statutory mission prescribed in the Older Americans Act, or in conflict with the requirement of the Older Americans Act that it function only as an AAA.

5. An AAA is voluntarily dissolved.
6. The Bureau of Aging and Disability Resources restructures planning and service areas.

The Bureau of Aging and Disability Resources will provide an AAA with written notification of the proposed de-designation and the grounds for de-designation.

If an AAA wishes to appeal the decision to de-designate, the agency shall follow the standard Bureau hearing process.

## **VII. Dissolution of an Area Agency on Aging**

Chapter 181 of the Wisconsin Statutes indicates the process whereby an incorporated AAA may be voluntarily dissolved by vote of its board of directors.

The formal vote by the board of directors on the dissolution shall include the following steps:

1. The board of directors shall publicize a special meeting called for the purpose of dissolution and contain or be accompanied by a summary of the plan of dissolution.
2. Notice of the meeting shall be given to all directors at least 25 days prior to the date of the meeting
3. Dissolution must be approved by a majority of the directors in office at the time of the meeting.
4. The plan of dissolution shall include provision for the payment of all liabilities of the corporation and the disposition of AAA property and funds.
5. The plan shall also provide for the disposition of all assets purchased with federal funds in accordance with the policies set forth in this manual.