

CALIFORNIA DEPARTMENT OF AGING
TITLE 22. SOCIAL SECURITY

PROPOSED REGULATORY TEXT

NOTE: Changes/additions are illustrated by blue underline for proposed insertions and ~~strike-through~~ for proposed deletions.

*Division 1.8. California Department of Aging
Chapter 3. Title III Programs – PSAs and AAAs*

§ 7212. Revocation of AAA Designation.

- (a) The Department, ~~after attempts to resolve the problem, including the use of the sanctions specified in Article 5, have been unsuccessful,~~ shall revoke an AAA designation, in accordance with the provisions of this section, whenever it finds that ~~any of the conditions specified in 45 CFR 1321.35(a) exist.~~
- (1) An AAA does not meet the requirement of this part;
 - (2) An area plan, plan update, or plan amendment is not approved;
 - (3) There is substantial failure in the provisions or administration of an approved area plan to comply with any provision of the Act, regulations and other guidance as set forth by the Assistant Secretary for Aging, terms and conditions of Federal grant awards under the Act, or policies and procedures established and published by the Department;
 - (4) Activities of the AAA are inconsistent with the statutory mission prescribed in the Act;
 - (5) Attempts by the Department to resolve noncompliant conduct by the AAA through the use of the sanctions specified in Article 5 have been unsuccessful, and/or the conditions in 22 CCR section 7429(f) have been met; or
 - (6) When the Department changes one or more planning and service area designations.
- (b) Notwithstanding subsection (a) above, the Department may revoke an AAA designation when, after submitting a letter of intent pursuant to Welfare & Institutions Code Section 9002, a county files an application with the Department expressly choosing to exercise its right to first refusal, as set forth 45 CFR Section 1321.19(a)(iv).
- (c) Upon making a preliminary decision to revoke an AAA's designation under section (a) or (b) above, the Department shall simultaneously:
- (1) Send a notice to the AAA which meets the requirements specified in Section 7706 and includes all the following additional information:
 - (A) The AAA has 30 days from receipt of the notice in which to request a State hearing.

- (B) If a State hearing is requested by the AAA, it will be scheduled after the Department holds a public hearing and reviews and decides upon the testimony in accordance with (d).
- (C) The final decision to revoke designation shall not occur until after the public hearing and the State hearing, if one is requested, and the Department has reviewed and considered all the information received.
 - (2) Schedule and conduct a public hearing by following the procedures specified in Section 7204.
- (d) Within 30 days following the public hearing specified in (c)(2), the Director shall review the testimony presented and the Department's reasons for proposing the revocation and take one of the following actions:
 - (1) Terminate the proposed revocation action.
 - (2) Proceed with the proposed revocation action, unless the AAA has requested a State hearing within the time frame specified in (c)(1)(A). If a State hearing has been requested, the Director shall refer to the request to an external hearing officer to be processed in accordance with Chapter 5.
- (e) Upon a final decision by the Director to revoke an AAA designation, the provisions specified in Section 7210~~(b)~~ shall apply.
- (f) Notwithstanding (a) through (d) above an AAA's grant agreement with the Department may be voluntarily terminated prior to its expiration in accordance with Section 7210.

NOTE: Authority cited: Sections 9002, 9102, and 9105 Welfare and Institutions Code; Section 1321.19(a)(1)(iv), Title 45 Code of Federal Regulations. Reference: Section 1321.21, Title 45 Code of Federal Regulations; Section 7212, Title 22, California Code of Regulations.