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State of Indiana

*Division of Aging*  
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**Planning and Service Area 9 Designation:  
RIGHT OF FIRST REFUSAL FOR UNIT OF LOCAL GOVERNMENT  
May 2018**

**Area Agency on Aging Designation for Planning and Service Area 9  
(Fayette, Franklin, Rush, Union and Wayne Counties)**

The Division of Aging seeks to designate a new organization as the [Area Agency on Aging](#) to serve Planning and Service Area 9 (Fayette, Franklin, Rush, Union and Wayne counties). An Area Agency on Aging (AAA) is a public or private nonprofit agency designated by a state to address the needs and concerns of all older persons in a designated geographic area. AAAs coordinate and offer services that help older adults remain in their homes, if that is their preference, aided by services such as home-delivered meals, homemaker assistance, and whatever else it may take to make independent living a viable option. By making a range of supports available, AAAs make it possible for older individuals to choose the services and living arrangements that suit them best.

Per the Older Americans Act of 1965, as amended, the state shall **give the right of first refusal to a unit of general local government** if (i) such unit can meet the requirements of subsection (c), and (ii) the boundaries of such a unit and the boundaries of the area are reasonably contiguous.

Older Americans Act Sec. 305(c)

*An area agency on aging designated under subsection (a) shall be—*

- (1) an established office of aging which is operating within a planning and service area designated under subsection (a);*
- (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;*
- (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;*
- (4) any public or nonprofit 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 designated State agency 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 and service area; or*  
(5) *in the case of a State specified in the subsection (b)(5), the State agency;*

*and shall provide assurance, determined adequate by the State agency, that the area agency on aging will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area or within any unit of general purpose local government designated as a planning and service area the State shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan. 42 USCS §3025(c).*

**At this time, the Division of Aging is seeking comment only from any unit of general purpose local government that meets the criteria above and is interested in pursuing this designation.**

The designated entity shall comply with all statements, assurances and provisions set forth in applicable state and federal statutes, regulations, guidelines, and rules, as well as applicable division manuals and guidelines. This includes, but is not limited to, the following:

1. [Older Americans Act](#)
2. [Office of Management and Budget Circulars](#)
3. [Indiana Code](#)
  - a) IC 12-10-10 and 10.5 regarding the CHOICE program; and
  - b) IC 12-10-13 regarding the ombudsman program.
4. [Indiana Administrative Code](#)
  - a) 455 IAC 1; and
  - b) 455 IAC 2.

If you are an interested unit of general purpose local government or have questions, please email [DAComments@fssa.in.gov](mailto:DAComments@fssa.in.gov) no later than June 15, 2018.