Ohio Administrative Code

Rule 173-2-07 Monitoring AAAs and imposing corrective actions upon AAAs.

Effective: January 1, 2020

(A) Monitoring: ODA shall monitor each AAA for compliance with its area plan; state or federal laws, state or federal rules, or ODA's policies (collectively, "laws"); or agreements that govern the programs and funds that the AAA administers through grants from, or contracts with, ODA ("agreements").

(B) Self-imposed corrective-action plans:

(1) ODA shall notify an AAA of any instance of non-compliance ("deficiency") that it identifies while monitoring the AAA's compliance with its area plan, laws, or agreements. In the notice, ODA shall require the AAA to develop a written, self-imposed corrective-action plan and to correct the deficiency to ODA's satisfaction before ODA's deadline, unless ODA imposes immediate corrective action according to paragraph (C)(1)(c) of this rule.

(2) In response to ODA's notice, the AAA shall submit to ODA a proposed corrective-action plan that it would impose upon itself. In the self-imposed corrective-action plan, the AAA shall propose a correction deadline, describe the manner in which it will correct each deficiency, and include actions that it will take to ensure the deficiency does not recur.

(3) ODA shall review the AAA's proposed corrective-action plan to determine if ODA approves of its implementation. ODA shall inform the AAA, in writing, of its acceptance of the AAA's proposed corrective-action plan.

(C) ODA-imposed corrective actions:

(1) ODA shall impose corrective action upon an AAA in any of the following three situations:

(a) ODA required the AAA to develop a self-imposed corrective-action plan, but the AAA failed to develop a plan that ODA would approve before ODA's deadline.

(b) ODA approved the AAA's self-imposed corrective-action plan, but the AAA failed to fully implement the corrective-action plan before the deadline in the plan.

(c) ODA immediately imposes corrective action without first requiring the AAA to develop a self-imposed corrective-action plan due to one or more of the following situations:

(i) Laws or agreements necessitate immediate corrective action.

(ii) The consumers' health, safety, or welfare necessitates immediate corrective action.

(iii) Protecting state or federal dollars necessitates immediate corrective action.

(2) ODA shall consider the AAA's history of deficiencies, the severity of the present deficiency or other unrelated deficiencies, and the reason the AAA failed to correct the deficiency or other unrelated deficiencies when determining what corrective action to impose upon an AAA.

(3) ODA shall impose one or more of the following corrective actions upon an AAA to comply with paragraph (C)(1) of this rule:

(a) ODA may require the AAA to fully implement the AAA's self-imposed, but not yet fully-implemented, corrective-action plan.

(b) ODA may develop new corrective actions to impose upon the AAA.

(c) ODA may disallow all or a part of the cost of an activity or action that does not comply.

(d) ODA may terminate all or part of the AAA's present grants and contracts. If ODA terminates all or part of an AAA's grants or contracts, ODA shall take all actions necessary to ensure the continuation of any services directly furnished by the AAA that were authorized for consumers in the PSA. The actions that ODA takes to ensure the continuation of services may include directly administering the AAA's grants and contracts or contracting with another AAA to administer the deficient AAA's grants and contracts on ODA's behalf.

(e) ODA may withhold one or more future grant awards to the AAA.

(f) ODA may de-designate the AAA according to rule 173-2-08 of the Administrative Code.

(g) ODA may impose any other corrective action that laws authorize.

(h) ODA shall inform the AAA, in writing, of its acceptance of the AAA's response to an ODA-imposed corrective-action plan.