

PLANNING AND SERVICE AREA 2
AREA AGENCY ON AGING
SERVICE PROVIDER APPEAL POLICY AND PROCEDURES

I. Actions Subject to Appeal

A. A contracted or potential provider of service (service provider) has the right to appeal an adverse determination made by Planning and Service Area 2 Area Agency on Aging (PSA 2 AAA). The actions below shall be considered adverse determinations that are subject to appeal [Title 22 CCR §7704 (c)(1) – (c)(3)(C)]:

1. A reduction in the level of funding to an existing Contractor during an Agreement period; however, a reduction directly attributable to a reduction in the funding to the PSA 2 AAA by the State or federal government shall not be considered an adverse determination.
2. A cancellation or termination of an existing Agreement with the Contractor prior to the Agreement's expiration date.
3. Denial of an application to provide services when any of the following exist:
 - a) The presence of a conflict of interest, real or apparent, as specified in 45 CFR 92.36(b)(3);
 - b) The occurrence of a procedural error or omission, such as the failure of the PSA 2 AAA to include a federal mandate in its solicitation request; or
 - c) The lack of substantial evidence to support the PSA 2 AAA's action.

II. Method of Notification

- A. The service provider shall provide notification of appeals, and PSA 2 AAA shall provide notification of subsequent appeals determinations, by certified or overnight mail, return receipt requested.
- B. Notices to PSA 2 AAA shall be addressed to PSA 2 Area Agency on Aging, P.O. Box 1400, Yreka, CA 96097.

- C. PSA 2 AAA shall transmit notification to the address listed on the service provider's appeal; if this address differs from the address listed on Notice of Grant Award in the service provider's Contractual Agreement with PSA 2 AAA, PSA 2 AAA shall transmit a copy of the notification to the address contained on Notice of Grant Award in the service provider's Contractual Agreement.
- D. PSA 2 AAA shall include a copy of this Service Provider Appeal Policy and Procedures with all notifications to service providers of adverse appeals determinations.

III. Process

- A. The service provider shall give notice of intent to appeal to the Executive Director of the PSA 2 AAA within ten (10) business days of the PSA 2 AAA's notice of adverse determination. The notice of intent to appeal shall be in writing, must state the specific grounds upon which the action by the PSA 2 AAA is appealed, and must be accompanied by all supporting documents.
- B. The Executive Director of PSA 2 AAA shall investigate the appeal and issue a written determination to the service provider within fifteen (15) business days of receipt of the appeal. The determination shall set forth the PSA 2 AAA's position and specify applicable sections of the service provider's Contractual Agreement with PSA 2 AAA, government regulations, government statutes, or other provisions relied upon.
- C. If the service provider is dissatisfied with the PSA 2 AAA Executive Director's determination, the service provider may appeal to the Executive Board Chairman of PSA 2 AAA within ten (10) business days of the date of the PSA 2 AAA Executive Director's written determination. The appeal shall be in writing, shall specify the grounds upon which the determination is appealed, and must be accompanied by all supporting documents.
- D. The Chairman of the PSA 2 AAA Executive Board shall, within fifteen (15) business days of receipt of the service provider's appeal:
 - 1. Review the service provider's appeal, considering any additional evidence or documentation provided by PSA 2 AAA's Executive Director;
 - 2. Determine if the appeal should be denied, or if a recommendation should be made to the full PSA 2 AAA Executive Board at its next scheduled meeting to take action to grant the appeal; and
 - 3. Provide written notification of its determination to the service provider.

- E. If the service provider is dissatisfied with the Executive Board Chairman's determination, the service provider may request a hearing before the full PSA 2 AAA Executive Board. The service provider must request the hearing within ten (10) business days of the Executive Board Chairman's written notification of determination. The hearing request shall be in writing, shall specify the grounds upon which the determination is appealed, and must be accompanied by all supporting documents.
- F. If the PSA 2 AAA Executive Board does not accept and implement the Executive Board Chairman's recommendation to grant the service provider's appeal:
 - 1. The PSA 2 AAA shall provide written notification to the service provider of the Executive Board's decision within two (2) business days following the decision;
 - 2. The service provider may request a hearing before the PSA 2 AAA Executive Board. The service provider must request the hearing within ten (10) business days of the date of the notification of the PSA 2 AAA Executive Board's decision. The hearing request shall be in writing, shall specify the grounds upon which the determination is appealed, and must be accompanied by all supporting documents.
- G. Upon receipt of the service provider's request for a hearing before the PSA 2 AAA Executive Board, PSA 2 AAA shall place the hearing on the agenda of the next regularly scheduled meeting of the PSA 2 AAA Executive Board and provide the service provider with a copy of the published agenda.
 - 1. The hearing before the PSA 2 AAA Executive Board shall consist of:
 - a) Receipt and review of all previously submitted documents concerning the appeal;
 - b) Submission in writing by the service provider of any additional information or documentation supporting the service provider's position;
 - c) An oral presentation by the service provider, not to exceed thirty (30) minutes; and
 - d) An oral presentation by the PSA 2 AAA Executive Director and/or PSA 2 AAA staff, not to exceed thirty (30) minutes.

2. At the conclusion of the hearing, the PSA 2 AAA Executive Board shall vote to accept or deny the service provider's appeal.
 - a) If the appeal is denied, the PSA 2 AAA Executive Board shall notify the service provider in writing of the reason(s) the appeal was denied, including a statement that all appeal procedures to the PSA 2 AAA and its Executive Board have been exhausted, and of the service provider's right to appeal the Executive Board's decision to the California Department of Aging. Such notification shall include a copy of Sections 7700 through 7710 of Title 22 of the California Code of Regulations, which contains the process for appealing the determination to the California Department of Aging.

Approved by PSA 2 Executive Board 8/19/24