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Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department for Aging and Rehabilitative Services
Virginia Administrative Code (VAC) citation(s)	22VAC30-60
Regulation title(s)	Grants to Area Agencies on Aging
Action title	Amending regulations to incorporate federal changes and name changes
Final agency action date	December 3, 2018
Date this document prepared	February 5, 2019

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

22VAC30-60, Grants to Area Agencies on Aging, prescribes the requirements that Area Agencies on Aging (AAAs) shall meet in order to receive state funds and federal funds in accordance with the Older Americans Act (OAA), as amended (42 USC § 3001 et seq.). The Virginia Department for Aging and Rehabilitative Services (DARS) serves as the State Unit on Aging to administer the grants that are provided to AAAs.

This action updates: 1) references to the Code of Federal Regulations (CFR); 2) AAA and federal agency name and location changes; and 3) federal Documents Incorporated by Reference (DIBR). Specifically:

- CFR Changes:
 - In 22VAC30-30 (Applicability of other regulations) and 22VAC30-60-150 (Elements of an acceptable financial management system), references to “45 CFR Part 74” are changed to “45 CFR Part 75” in accordance with 79 FR 75889, dated December 19, 2014. 45 CFR Part 75 outlines administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, which in this case, include AAAs.
 - Similarly, in 22VAC30-60-140 (Chart of accounts), “45 CFR 74.21” is replaced with “45 CFR 75.302,” which is now the updated CFR reference for this item.

- AAA Name and Office Location Change:
 - In 22VAC30-20 (Definitions) and 22VAC30-60-40 (Planning and services areas), “Central Virginia Area Agency on Aging” is changed to “Central Virginia Alliance for Community Living.” This reflects the AAA’s new official name.
 - Piedmont Senior Resources Area Agency on Aging, Inc. (PSA 14) moved from Burkeville to Farmville.

- Federal Agency Name Change:
 - In 22VAC30-60-60 (Termination of the designation of an Area Agency on Aging), “Commissioner of the U.S. Administration on Aging” is changed to “Administrator of the U.S. Administration for Community Living.” As a result of federal agency reorganization, as detailed in 80 FR 31389, dated June 5, 2015, the Administration for Community Living became the federal oversight agency for the OAA.

- DIBR Changes (see the table below):
 - The federal DIBRs that are currently listed have been revised at the federal level. These changes reflect the updated versions of the documents.
 - In 22VAC30-60-450, strike “Amendment No. 3” and replace it with “Chapter 3” to align with the updated publication of this federal guidance document.
 - Lastly, one DIBR referenced in the chapter is not currently listed as a DIBR; this is an oversight.

Citation	Current DIBR in 22VAC30-60	New DIBR in 22VAC30-60
22VAC30-60-450 C (Area Agency on Aging retain own independent public accountants)	OMB Circular A-110, (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, November 19, 1993.	OMB Circular A-110, (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, Revised 11/19/1993 and as Further Amended 9/30/99.
22VAC30-60-450 A (Area Agency on Aging retain own independent public accountants)	Government Auditing Standards, Amendment No. 3, January 2002.	GAO-12-331G, Government Auditing Standards (the Yellow Book), 2011 Revision.
22VAC30-60-450 C (Area Agency on Aging retain own independent public accountants)	OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations, Revised 6/24/97.	OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations, Revised 6/27/2003 and 6/26/2007.
22VAC30-60-140 (Chart of Accounts)	<i>(Not currently listed. This is an oversight as it is clearly identified in 22VAC30-60-140.)</i>	OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments, Revised 10/07/1994 and Further Amended 8/29/1997.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Commissioner of the Department approved the amendments to the Grants to Area Agencies on Aging (22VAC30-60) on December 3, 2018.