

10A NCAC 05D .0104 PROGRAM AMENDMENTS

(a) The following policies and procedures apply to all OAA and other program grantees of the Division of Aging with regard to the need for and submission of program amendments or program changes to approved area plans or related project applications, which are covered under Section 204 of the Division's "Manual of Policies and Procedures."

(b) Program Amendments

- (1) Conditions Requiring Program Amendments
 - (A) Whenever a "substantive" change in the content or administration of an area plan is proposed, the area plan shall be amended according to the provisions of this Section.
 - (B) A "substantive" change is one in which:
 - (i) a new or amended state or federal statute or regulation requires a new provision, or conflicts with any existing plan revision;
 - (ii) a U.S. Supreme Court decision changes the interpretation of a statute or regulation;
 - (iii) the area agency proposes to change the designation of the single organizational unit or component unit;
 - (iv) the area agency proposes to add, substantially modify, or delete any area plan objective(s); or
 - (v) the Division of Aging requires further annual amendments.
- (2) Review and Approval of Program Amendments. An Area Agency proposing to make a program amendment shall follow the procedures outlined in Section 405.5 of Volume I of the Division's "Manual of Policies and Procedures," which reprints federal regulations.

(c) Program Changes

- (1) Conditions Requiring "Program Changes." A "program change" occurs with any one of the following:
 - (A) Transfer to a third party, by contract or other means, of the actual performance activities which are central to carrying out the basic purpose or purposes of the award and not merely incidental. It does not include purchases of supplies, materials or equipment, general or incidental support services, or activities whose cost is treated as an indirect cost;
 - (B) A change in the project director or any other key people named in the award document or the desire to permit any such people to devote substantially less effort to the project than was indicated in the approved project application;
 - (C) A change in recipient of award.
- (2) Procedures for Submitting Proposed Program Changes. Grantees who wish to make "program changes" shall submit a request for approval of the proposed program change to the Division of Aging. The request shall be in the form of a letter from the grantee agency director specifying the following:
 - (A) that the grantee desires Division approval for the program change described in the request letter;
 - (B) the specific nature of the proposed change;
 - (C) why the change is needed; and
 - (D) any impact that the change will have on the project's operation or its budget.
- (3) Division Review of Proposed Program Changes
 - (A) The Division shall accept and review proposed program changes at any time during a project year. The Division shall normally notify the grantee within 30 calendar days from the receipt of the request regarding its approval or disapproval of the request. If a decision cannot be reached within 30 days, the Division shall notify the grantee as to the date by which it expects to reach a decision.
 - (B) Division of Aging approval of a program change request shall be the form of a letter authorizing the grantee to initiate the change. No changes in program operation shall be made until the written approval is received by the grantee.
 - (C) Division of Aging Determination of Amendments or Changes
 - (i) Grantees shall provide written notice of proposed revisions to the Division of Aging in order for the Division to determine whether a revision is in fact a program amendment or program change and subject to the provisions of this Section. Such notice shall be in the form of a letter briefly outlining the proposed revision.
 - (ii) Within 15 calendar days after receipt of the grantee letter, the Division shall inform the grantee in writing as to whether it concurs that the proposed revision is a program amendment or a program change. If the Division finds that the proposed revision is not a program amendment or a program change, the grantee may proceed to

implement the proposed revision. If the Division determines that the proposed revision is a program amendment or a program change, the grantee shall go through the procedures outlined in this Section.

History Note: Authority G.S. 143B-10; 143B-138;
Eff. September 1, 1978;
Amended Eff. May 1, 1990; October 1, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.