**Section 270.220 Organizational Standards and Responsibilities: Regional Administrative Agencies**

a) *Each regional administrative agency* in turn *shall* procure and recommend the designation ofAPS *provider* agencies *within its planning and service area with prior approval by the Department on Aging and:*

1) *monitor the use of services*;

2) *provide technical assistance to the APS provider agencies*, including APS program training and any instructional materials required by the Department; and

3) *be involved in program development activities.* [320 ILCS 20/3(b)]

b) A procurement shall be issued by the regional administrative agency at least every six years, except as provided in subsection (e).

c) The procurement for APS providers shall include a solicitation and evaluation of potential APS provider agencies.

1) Qualified potential APS provider agencies shall be scored by the regional administrative agency. The highest scoring potential APS provider agency shall be recommended as the designated APS provider agency for the applicable planning and service area or subarea of the planning and service area.

2) The Department will approve or take other action regarding the recommendation for designation in accordance with Section 270.215(b).

d) The RAA may make a recommendation for withdrawal of the designation of an APS provider agency to the Department for approval, which shall not be unreasonably withheld. If the procurement fails to produce an APS provider agency for the service area that demonstrates adequate qualifications for designation, the regional administrative agency shall propose for designation a conditionally qualified provider agency for a limited term and until such time that a subsequent procurement results in an APS provider agency for the service area.

e) If the designation of an APS provider agency has been terminated, the regional administrative agency shall designate, with the prior approval of the Department, a qualified agency on an emergency basis until such time that a subsequent procurement results in an acceptable APS provider agency for the service area.

f) A regional administrative agency may elect, for its planning and service area, to designate APS provider agencies, from those agencies designated in accordance with subsections (a) through (e), for the purpose of providing either a combined or shared service area response, during non-business hours, to reports of alleged or suspected abuse, neglect, or self-neglect when an eligible adult is at risk of death or serious physical injury. Each regional administrative agency shall follow the steps outlined in subsections (a) through (e) for assuring services for non-business hours for a combined or shared service area.

g) The regional administrative agency shall not serve as a legal guardian, an agent under the Illinois Power of Attorney Act [755 ILCS 45], or a representative payee for any client in the program. The Department may allow a waiver only if the APS provider agency has documented evidence that no other qualified person or entity exists to serve in the foregoing capacities on behalf of a client of the program and the regional administrative agency is willing and qualified to take on those responsibilities.

h) The regional administrative agency shall retain and purge all books, records and other documents relevant to the operation of the program as directed by the Department in accordance with the State Records Act [5 ILCS 160], unless other State laws or federal laws or regulations apply (e.g., when records contain information subject to the federal Health Insurance Portability and Accountability Act (HIPAA)).

(Source: Amended at 42 Ill. Reg. 9226, effective July 1, 2018)