

TO BE RESCINDED

173-3-01 **Cost-sharing requirements.**

(A)

- (1) Each area agency on aging (AAA) shall develop policies establishing cost-sharing guidelines for recipients of any services funded in whole or in part with Older Americans Act, Alzheimer's respite or senior community services funds distributed by the Ohio department of aging, except: education, training, and support group services provided through the Alzheimer's respite care program or Title III(E) of the Older Americans Act; transportation services; information and assistance, outreach, benefits counseling, and case management services; ombudsman, elder abuse prevention, legal assistance, or other consumer protection services; congregate and home-delivered meal services; and volunteer placement services. Examples of required cost-share services include: adult day care, assisted transportation, chore, emergency response system, home medical equipment, home maintenance, homemaker, medical assessment, medication screening, personal care, recreation, and respite care services.
- (2) An AAA may develop policies establishing cost-sharing guidelines for recipients of transportation services funded in whole or in part with Older Americans Act, Alzheimer's respite and senior community services funds, if the development of cost-sharing policies is necessary in order to coordinate the transportation services with transportation services provided under other service systems.

AAAs may delegate their responsibility for the collection of client cost-sharing payments under this rule to their respective provider agencies.

(B)

- (1) Except as otherwise provided in paragraph (B)(2) of this rule, the cost-sharing policies developed by the AAAs shall utilize the following sliding fee scale to determine the amount a recipient of services will be asked to pay toward the services the recipient receives:

Recipient's individual income (as a percentage of the federal poverty guidelines)	Suggested cost-share payment (as a percentage of contract cost of service)
150-175%	10%
176-200%	20%

201-225%	30%
226-250%	40%
251-300%	50%
301-325%	60%
326-350%	70%
351-375%	80%
376-400%	90%
401% and above	100%

(2) With prior approval from the Ohio department of aging, an AAA may substitute its own sliding fee scale for the scale outlined in paragraph (A) of this rule.

(C) The cost-sharing policies developed by each AAA must ensure that the AAA shall:

- (1) Directly and through its providers, distribute state created written materials that describe the process for cost-sharing and the state's sliding fee scale, and notify recipients that they may not be denied services based upon their failure or refusal to pay the proposed cost-sharing fee;
- (2) Establish a procedure for determining and collecting recipients' cost-sharing payments;
- (3) Establish procedures for cost-share mechanisms for consumer-directed care payments;
- (4) Determine a recipient's income based solely upon the recipient's self-declaration;
- (5) Issue a receipt of payment upon request to any recipient or caregiver making a payment pursuant to policies established under this rule;
- (6) Establish appropriate procedures to safeguard and account for all funds collected through the cost-sharing process;
- (7) Retain records of all the revenue collected through cost-sharing; and

- (8) Protect the privacy and confidentiality of each service recipient with respect to the declaration or non-declaration of individual income, and to any share of the costs paid or unpaid by the individual.
- (D) AAAs and their providers shall use all income derived from the fees collected in accordance with this rule to expand the service for which such payment was given, except that AAA care coordination programs may instead utilize such income to expand the funds pool from which the services were paid.
- (E) An AAA may request a waiver of this rule, and the department of aging shall approve the request, if the AAA can demonstrate that:
- (1) At least eighty per cent of those persons receiving services subject to cost-sharing in the planning and service area served by the AAA have incomes below one hundred and fifty per cent of the poverty level;
 - (2) The annual ongoing administrative expense of cost-sharing is greater than the revenue generated; or
 - (3) A waiver is necessary in order to coordinate with other service systems.
- (F) As used in this rule, "federal poverty guidelines" means the poverty guidelines updated periodically in the federal register by the U.S. department of health and human services under authority of 45 U.S.C. 9902(2).

Effective:

R.C. 119.032 review dates: 11/21/2008

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 173.02; 173.04; 173.392; Section 305 (a)(1)(C) of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006; 45 C.F.R. 1321.11
Rule Amplifies: Section 315 of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006, section 203.20 of Am. Sub. H.B. No. 119 of the 127th General Assembly
Prior Effective Dates: 12/14/1994, 05/15/2000, 09/30/2001, 05/16/2005