



Department of  
Aging

John Kasich, Governor  
Stephanie M. Loucka, Director

## PUBLIC HEARING NOTICE

### MISCELLANEOUS UPDATES (CSIO)

The Ohio Dept. of Aging (ODA) conducted a full review of OAC 173-4-04, 173-39-01, 173-39-02.1, and 173-40-04 and is proposing to amend each rule as indicated below:

- OAC173-4-06 regulates the handling of diet orders in AAA-provider agreements for meals paid with Older American Act funds. ODA proposes to (1) replace the unfortunate occurrence of “regime” with “regimen” and (2) clarify that providers shall only honor diet orders for a dysphagia nutritive regimen if the diet order indicates whether the consumer requires thickening agents in individual components of the meal such as drinks, soups, etc. This would replace current language saying, “if the diet order requires the meals to have thickening agents.” The current language leaves room for a possible misconception that the only diet orders to be honored are those requiring every item in a meal to have a thickening agent.
- OAC173-39-01 introduces OAC Chapter 173-39 and defines terms used in the chapter. ODA proposes to (1) amend the definition of “individual” so the term has the same meaning as “individual” in rule OAC5160-31-02 and (2) define “ODA-certified provider,” which is a term used throughout the Chapter.
- OAC173-39-02.1 regulates adult day services (ADS) when they are provided to an enrollee of the PASSPORT Program by an ODA-certified provider. ODA proposes to (1) replace the unfortunate occurrence of “meal delivery” in (B)(6)(a) with “ADS session” and (2) replace “ODA (or ODA’s designee)” in (B)(6)(a)(iii) with “ODA or its designee.”
- OAC173-40-04 requires providers of goods and services to individuals enrolled in the state-funded component of the PASSPORT Program to be an ODA-certified provider. ODA proposes list the program name at the beginning of the rule’s title. This assists the public when using internet search engines to search for the rule.

The proposed amendments are not substantive and would not change a provider’s practice or change the adverse impact upon a provider.

The Ohio Department of Aging (ODA) will conduct the public hearing at the following place and time:

**Ohio Department of Aging**  
**246 N. High St., 1<sup>st</sup> Floor**  
**Room 1149 (Training Room)**  
**Columbus, OH 43215**

**Wednesday, January 4, 2017**  
**10:00AM**

Any person may participate in the public hearings. To submit written testimony to ODA regarding the rule projects in lieu of presenting written testimony in person, please email the written testimony to ODA’s policy development manager, Tom Simmons, at [tsimmons@age.ohio.gov](mailto:tsimmons@age.ohio.gov) **before** Wednesday, January 4, 2017.

Participants may find area parking at street meters and area parking garages. The parking meters on Chestnut St. accept debit and credit cards and cost \$1.50 per 2 hours. The [Chestnut Street Garage](#) at 44 E. Chestnut St. is across the street from the side of 246 N. High St.

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