

ODA0003

Ohio Department of Aging



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Ted Strickland, Governor
Barbara E. Riley, Director

NOTICE

Notice is hereby given that the Ohio Department of Aging will conduct a public hearing in accordance with Chapter 119.032 of the Ohio Revised Code to obtain comments concerning ODA's proposed adoption of rules regarding the **AAAs** that comprise **Chapter 173-2** of the Ohio Administrative Code;

The hearing to which this notice applies will be conducted on **Tuesday, May 29, 2007** in Conference Room A of the Department's offices at 50 W. Broad Street, 9th floor; Columbus, OH 43215. The hearing will begin at **10:30AM** and will continue until all parties in attendance at that time have had an opportunity to provide comment.

The following rules are being proposed for adoption:

173-2-01
Area agencies on
aging (AAAs).

This proposed amended rule does the following:

1. It describes the general nature of an AAA;
2. It lists the agencies that are currently designated by ODA as AAAs. In comparison to the current administrative rule language, the contact information for these agencies listed in the proposed amended rule is updated;
3. It outlines the times when ODA may designate an agency as an AAA; and,
4. It includes some minor changes that help the language of the rule to match that of other ODA rules.

173-2-02
Designation of new
AAAs.

This proposed amended rule does the following:

1. It describes the types of entities that ODA may designate as an AAA;
2. It states that ODA shall give a right of first refusal to a unit of general purpose local government when designating an AAA;
3. It states that an entity proposed for designation as a new AAA shall assure ODA that it will completely carry out its obligations; and,
4. It includes some minor changes that help the language of the rule to match that of other ODA rules.

173-2-03
Monitoring area
agencies on aging
and sanctions.

This rule is being proposed for rescission and replaced by proposed new rule 173-2-03 of the Administrative Code.

173-2-03
Monitoring AAAs and
sanctions.

This proposed new rule does the following:

1. It declares that ODA shall monitor each AAA for compliance;
2. It declares that an AAA shall propose a corrective action plan to remedy a deficiency that may be found when monitored by ODA;
3. It declares that an AAA shall submit such a proposed corrective action plan to ODA for approval;
4. It declares that ODA may issue a sanction to an AAA that fails to implement a corrective action plan;
5. It provides examples of sanctions that ODA may issue to an AAA that fails to implement a corrective action plan;
6. It states that, in the event that ODA terminates a grant awarded to an AAA, ODA may directly provide any service financed by that grant award or else contract with another AAA to do the same;
7. It declares that ODA shall provide an opportunity for a hearing if the sanction is for removal of a grant award or for de-designation of the AAA;
8. It declares that ODA may immediately sanction an AAA without offering an opportunity for the AAA to correct its deficiency, whenever such a sanction is required under state or federal law, whenever such a sanction is necessary to protect state and/or federal dollars, or whenever such a sanction is necessary for the health, safety, and welfare of service recipients; and,
9. It includes some minor changes that help the language of the rule to match that of other ODA rules.

173-2-04
De-designation of
AAAs.

This proposed amended rule does the following:

1. It declares that ODA may de-designate an AAA under certain circumstances;
2. It declares that ODA shall de-designate an AAA only when that action is in the public interest and for the protection of the state of Ohio;
3. It states that ODA shall ensure that services performed by an AAA that is being de-designated are provided within the planning and service area of that AAA after the de-designation; and,
4. It includes some minor changes that help the language of the rule to match that of other ODA rules.

173-2-05
Administrative
hearings on de-
designation.

The proposed amended rule describes the administrative hearing process associated with the de-designation of an AAA.

Written comments or requests for information concerning the proposed actions may be directed to Tom Simmons at the Department on or before the date of the hearing by writing to tsimmons@age.state.oh.us.