



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Tom Simmons, Ohio Department of Aging

FROM: Joseph Baker, Business Advocate

DATE: August 26, 2022

RE: **CSI Review – Older Americans Act: Consumer Contributions (OAC 173-3-07)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) office under Ohio Revised Code (ORC) section 107.54, the CSI office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI office's comments to the Department as provided for in ORC 107.54.

Analysis

This rule package consists of one new rule and one rescinded rule proposed by the Ohio Department of Aging (Department). This rule package was submitted to the CSI Office on July 8, 2022, and the public comment period was held open through July 21, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on July 8, 2022.

Ohio Administrative Code 173-3-07 requires that all services paid for with Older Americans Act funds permit voluntary contributions towards the cost of services and allows providers to solicit contributions and develop a suggested contributions schedule for voluntary contributions. The rule also states that all services provided through Older Americans Act funding are subject to cost-sharing and sets forth the percentage of overall costs for which the individual is responsible (varying based on income level). The Department proposes to rescind and replace the rule due to the extent of changes being made, including removing nineteen regulatory restrictions due to restructuring the rule and removing duplicative cross-references, and making other clarifying updates.

During early stakeholder outreach, the Department shared the proposed rule with organizations including LeadingAge Ohio, the Ohio Assisted Living Association, Ohio Association of Area

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Agencies on Aging, Ohio Academy of Senior Health Sciences, Ohio Adult Day Healthcare Association, Ohio Health Care Association, Ohio Council for Home Care and Hospice, and others. No comments were received in response to the request for early stakeholder feedback. One comment was received during the CSI public comment period seeking clarification regarding a previous change to the rule removing transportation as an exempted service. The Department clarified that transportation services are not exempted as federal law does not prohibit cost-sharing for transportation services. The stakeholder also inquired regarding best practices for implementing cost-sharing policies. In response, the Department advised the stakeholder to connect with the local area agency on aging for assistance.

The business community impacted by the rules includes business entities that have an agreement to provide services through an area agency on aging. The adverse impact to business consists of costs associated with establishing policies and procedures to ensure that consumers are allowed to contribute toward the costs of received services. The Department states that adverse impact created by the rule is necessary to comply with federal requirements to allow voluntary contributions and enact a sliding-fee scale for services paid for through the Older Americans Act, which are requirements for states who opt to require cost-sharing for services.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.