

173-3-07

~~Consumer cost-sharing policies~~ Consumer contributions.

(A) Introduction: All services funded in whole or in part through Older Americans Act funds are subject to voluntary contributions. All services funded in whole or in part through Older Americans Act funds or senior community services funds are subject to cost sharing, except for services excluded by paragraph ~~(B)~~ (C)(2) of this rule: Examples of services subject to consumer cost sharing are the adult day service; the chore service; an emergency response system service; the home maintenance, repair, or modification services; the homemaker service; the personal care service; and a home medical equipment service.

(B) Voluntary contributions:

(1) Pursuant to 45 C.F.R. 1321.67(c) (October 1, 2012 edition), each provider shall develop a suggested contributions schedule for voluntary contributions.

(2) Pursuant to section 315(b)(1) of the Older Americans Act and 45 C.F.R. 1321.67(a)(1) (October 1, 2012 edition), each provider shall allow consumers to contribute towards any service that the provider furnishes. The provider may solicit consumers to contribute to services and shall encourage consumers to contribute if the consumer's self-declared income is at or above one hundred eighty-five per cent of the federal poverty level found in the federal poverty guidelines, as defined in section 5101.46 of the Revised Code.

(C) Cost sharing:

(1) All services are subject to cost sharing, except for the services listed in paragraph (C)(2) of this rule. Examples of services subject to cost sharing include adult day services; chore services; home maintenance, modification, or repair services; homemaker services; personal care services; personal emergency response systems; and home medical equipment.

~~(B)~~(2) The following services are not subject to cost sharing, although, under Section 315 (b) of the Older Americans Act, providers may solicit and accept voluntary contributions for all services reimbursed with Older Americans Act funds:

~~(1)~~(a) Information and assistance, outreach, benefits counseling, ~~case management~~ case management, disease prevention, health promotion, or volunteer placement;

~~(2)~~(b) Education, training, or a support-group service provided through the Alzheimer's respite care program or ~~Title III, Part E of the Older Americans Act~~ the national family caregiver support program;

~~(3)~~(c) A meal service;

~~(4)~~(d) Ombudsman, elder abuse prevention, legal assistance, or another consumer-protection service; and,

~~(5)~~(e) A transportation service, although the AAA may apply to ODA for a waiver of this exemption if the transportation service is coordinated with other services and is funded in whole or in part through Older Americans Act funds.

~~(C)~~(3) Each AAA shall ~~establish~~ implement and administer a consumer cost-sharing policy that includes:

~~(4)~~(a) The sliding-fee schedule below which determines the percentage of the actual (or partial) contracted cost of a unit of service or a good received that the AAA shall suggest that a consumer pay based upon the consumer's individual income as a percentage of the federal poverty level found in the federal poverty guidelines, ~~which are updated periodically in the federal register by the U.S. department of health and human services under 42 U.S.C. 3302 (2) as defined in section 5101.46 of the Revised Code.~~ ODA may allow an AAA to substitute the sliding-fee schedule below with another sliding-fee schedule;

#### Sliding-fee Schedule

INCOME LEVEL	SUGGESTED COST SHARE
149% and below	0%
150-174%	10%
175-199%	20%
200-224%	30%
225-249%	40%
250-274%	50%
275-299%	60%
300-324%	70%
325-349%	80%

350-374%	90%
375% and above	100%

- (2)(b) A requirement to determine the consumer's individual income solely by the consumer's self-declaration of income with no requirement for verification;
- (3)(c) A procedure for collecting consumer cost-sharing payments from consumers, including from a—consumer consumers receiving consumer-directed services;
- (4)(d) A requirement to distribute written materials to consumers that explain:
- (a)(i) The services subject to consumer cost sharing;
  - (b)(ii) The procedure for sharing costs;
  - (e)(iii) The sliding-fee schedule, or, if approved by ODA, the substitute sliding-fee schedule; and,
  - (d)(iv) That a provider may not decline to provide a service because a consumer fails or refuses to share costs.
- (5)(e) A requirement to provide a receipt to a consumer or family caregiver who makes a payment;
- (6)(f) A procedure for safeguarding and accounting for all ~~consumer~~ cost-sharing funds collected;
- (7)(g) A requirement to retain records of all ~~consumer~~ cost-sharing funds collected; and,
- (8)(h) A requirement to keep the consumer's declaration of income (or non-declaration of income) and cost-sharing payment history confidential.
- (9)(i) A requirement to use the funds collected from ~~consumer~~ cost sharing to expand the capacity to provide the service for which the funds were given, unless the funds are used to expand the pool of funds from which the care-coordinated services are paid.

~~(D)~~(4) The AAA may delegate the administration of its ~~consumer~~ cost-sharing policy to providers with whom it enters into a provider agreement under rule 173-3-06 of the Administrative Code.

~~(E)~~(5) The AAA may request a waiver ~~of~~ from paragraph (C)(3) of this rule to implement and administer a cost-sharing policy. ODA shall approve the request if the AAA ~~convincingly~~ demonstrates to ~~ODA's satisfaction any of the following~~ ODA by a preponderance of the evidence that:

~~(1)~~(a) At least eighty per cent of the consumers in the PSA have incomes below one hundred fifty per cent of the federal poverty guidelines;

~~(2)~~(b) ~~Consumer cost-sharing~~ Cost sharing generates ~~less~~ fewer funds in the PSA than the funds required to cover its annual, ongoing administrative expenses; or,

~~(3)~~(c) A waiver is necessary in order for the services that would normally be subject to this rule to be coordinated with other service systems.

Replaces: 173-2-02, 173-3-01

Effective:

R.C. 119.032 review dates: 05/30/2013

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01; 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 (October 1, 2012 edition)

Rule Amplifies: 173.04; 173.392; Section 315 of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006; 45 C.F.R. 1321.67 (October 1, 2012 edition); 209.30 of H.B.59 (130th G.A.)

Prior Effective Dates: 173-2-02: 01/17/1999; 173-3-01: 05/15/2000, 09/30/2001, 05/16/2005; 173-3-07: 02/15/2009