TO BE RESCINDED

173-4-01 **Introduction and definitions.**

(A) Introduction: Chapter 173-4 of the Administrative Code: establishes criteria that each AAA shall follow when entering into a provider agreement for the provision of a nutrition program or a nutrition-related service by a non-certified provider under section 173.392 of the Revised Code. (See Chapter 173-39 of the Administrative Code for criteria regarding providers certified under section 173.391 of the Revised Code.)

(B) Definitions for this chapter:

(1) "Area agency on aging" ("AAA") means a public or non-profit entity that ODA designates, under Section 305 of the Older Americans Act, to serve as an AAA. Each AAA receives state and federal funds from ODA to administer aging-related programs within a particular PSA.

(2) "Consumer's signature" means the signature, mark, or electronic signature of a consumer, or the consumer's family caregiver, who may verify that a service was performed. Examples of means to record an electronic signature are the "SAMS Scan," "MJM Swipe Card," call-in verification, etc.

(3) "Expiration date" means the date that ensures that the consumer has notice of when a product is no longer safe to eat and needs to be discarded.

(4) "Family caregiver" has the same meaning as in Section 302 of the Older Americans Act.

(5) "Licensed dietitian" ("LD") means a person who holds a current, valid license to practice as a licensed dietitian issued under Chapter 4759. of the Revised Code. A LD assesses nutritional needs and food patterns, makes recommendations for appropriate food and nutrient intake, provides nutritional education and counseling, and develops nutritional care standards for individuals and groups.

(6) "Means testing" means the consideration a consumer's financial resources (i.e., "means") in order to determine eligibility for a service or to determine cost sharing or voluntary contribution amounts.

(7) "ODA" means "the Ohio department of aging."

(8) "Older Americans Act" means the "Older Americans Act of 1965," 79 Stat. 219,

42 U.S.C. 3001, as amended in 2006.

(9) "Older Americans Act funds" means funds appropriated to ODA through Title III of the Older Americans Act.

(10) "Outbreak of food-borne illness" means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food or a single case of illness if the consumer is ill with botulism or chemical poisoning.

(11) "Planning and service area" ("PSA") means a geographical region of Ohio that ODA designates as a PSA under Section 305 of the Older Americans Act. ODA lists the PSAs it has designated in rule 173-1-03 of the Administrative Code.

(12) "Provider" means an organization that has entered into a provider agreement with an AAA to provide any one or more of the following within the PSA: a congregate nutrition program, a home-delivered nutrition program, a restaurant and grocery meal service, or a nutrition-related service.

(13) "Serving size" means a standardized amount of a food, such as a cup or an ounce, that is used in providing dietary guidance or in making comparisons among similar foods.

Effective:

Five Year Review (FYR) Dates: 04/18/2016

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	173.01, 173.02, 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 (2015)
Rule Amplifies:	173.392, Sections 214, 331, 336, and 339 of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006.
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