



Department of  
Aging

**Ted Strickland**, Governor  
**Barbara E. Riley**, Director

## NOTICE

*Revised 10:10AM February 4, 2010*

ODA will conduct a public hearing to obtain comments concerning ODA's proposed adoption of amended rules regarding **eligibility for home-delivered nutrition programs not funded by Medicaid**, as required by section 119.03 of the Revised Code. ODA will conduct the hearing on **Tuesday, March 9, 2010** in Conference Room A of the Department's offices at 50 W. Broad Street, 9th floor; Columbus, OH 43215. The hearing will begin at **2:30PM** [*revised, no longer 1:30PM*] and will continue until all parties in attendance at that time have had an opportunity to provide comment.

### **Rule 173-4-02 Eligibility criteria.**

In February of 2009, ODA adopted Chapters 173-3 and 173-4 of the Administrative Code to codify ODA's standards for agreements between AAAs and providers who provide services through an ODA program as non-certified providers under section 173.392 of the Revised Code (vs. providers who provide services through an ODA Medicaid-funded program as certified providers under section 173.391 of the Revised Code). This effort brought ODA into compliance with sections 173.04 and 173.392 of the Revised Code; Section 305 (a)(1)(C) of the Older Americans Act of 1965, as amended; and 45 C.F.R. 1321.11.

ODA now proposes to amend rule 173-4-02 of the Administrative Code to clarify misleading wording. Before ODA codified its standards for home-delivered nutrition programs operated by non-certified providers, ODA Policy 304.03 listed the eligibility criteria for home-delivered meals. The old policy's requirement to receive home-delivered meals was to meet all the criteria in a list of criteria that was much longer than the list present in rule 173-4-02 of the Administrative Code, as adopted in 2009.

When ODA adopted rule 173-4-02 of the Administrative Code in 2009, the rule's intended requirement for home-delivered meals to meet all the criteria listed under paragraph (B)(1) of the rule, which is why ODA included "and" at the end of paragraph (B)(1)(b) of the rule. Unfortunately, the words "one of" in paragraph (B)(1) of the rule conflict with the "and" in paragraph (B)(1)(b) of the rule. Therefore, for clarification, ODA is proposing to amend the rule to remove the misleading words "one of" from paragraph (B)(1) of the rule.

Any person may direct written comments or requests for information concerning the proposed actions to Tom Simmons at the Department on or before the date of the hearing by writing to [tsimmons@age.state.oh.us](mailto:tsimmons@age.state.oh.us).

50 West Broad Street / 9<sup>th</sup> Floor  
Columbus, OH 43215-3363  
[GoldenBuckeye.com](http://GoldenBuckeye.com)

(614) 466-5500 Main  
(614) 466-5741 Fax  
(614) 466-6191 TTY