



Department of
Aging

John Kasich, Governor
Stephanie M. Loucka, Director

PUBLIC HEARING NOTICE

OLDER AMERICANS ACT NUTRITION PROGRAM: HOME-DELIVERED MEALS PROJECTS

ODA will conduct a public hearing at the following place and time:

Ohio Department of Aging
246 N. High St., 1st Floor
Room 1149 (Training Room)
Columbus, OH 43215

Monday, Jul 10, 2017
11:00AM

The purpose of the hearing is to give interested parties an opportunity to comment upon ODA's proposed amendments to OAC173-4-05.2, which are described below.

1. **Delivery requirements:**

- a. ODA proposes to retain the availability requirements in (B)(1)(a)(i) and (ii) to comply with §336 of the Older Americans Act Reauthorization Act of 2016 (*the Act*).
- b. ODA proposes to delete (B)(1)(a)(iii), because ODA's amendment to (B)(2) would include the option afforded by (B)(1)(a)(iii) and ODA intends to delete duplicate requirements from rules.
- c. In (B)(2), after *The provider shall only deliver meals to the consumer's home when the consumer or the consumer's caregiver is home*, ODA proposes to insert a comma, then insert *unless otherwise authorized by the AAA*. The new language will allow AAA-provider agreements to permit AAAs to authorize alternate delivery arrangements.
- d. ODA proposes to delete (B)(3) because ODA's proposed new language for (E)(4) would include the protection presently afforded by (B)(3) and ODA intends to delete duplicate requirements from rules.

2. **Emergency Closings:** ODA proposes to retain the current requirements for emergency closings without any amendments.

3. **Quality Assurance:** ODA proposes to retain the current quality-assurance requirements without any amendments.

4. **Delivery Verification:** ODA proposes to replace (E) with new language having the following characteristics:

- a. The language continues to require verifying every delivery to comply with 45 CFR 75.403.
- b. The language expands the list of parties who may attest to a completed delivery from *consumers* to *consumers, consumers' caregivers, and delivery persons*.
- c. The language continues to allow identifiers of those attesting to delivery to include a variety of ways to identify: signatures, initials, stamps, marks, bar codes, passwords, and swipe cards.

246 N. High St. / 1st Fl.
Columbus, OH 43215-2406 U.S.A.
www.aging.ohio.gov

Main: (614) 466-5500
Fax: (614) 466-5741
TTY: Dial 711

- d. The language continues to offer providers protection by prohibiting AAA-provider agreements from requiring providers to use a particular delivery-verification system, whether non-electronic, electronic, or a certain brand of electronic.
- e. The language no longer mentions that providers need not obtain multiple verification for multi-meal deliveries, because it is redundant. The rule only requires verifying deliveries, not meals, so if a delivery has multiple meals in it, it would still only require a single verification. Deleting the language won't change create or eliminate any requirements for providers.

Any person may participate in the public hearing. To submit written testimony to ODA regarding the rule projects in lieu of presenting written testimony in person, please email the written testimony to ODA's policy development manager, Tom Simmons, at tsimmons@age.ohio.gov **before** Monday, July 10, 2017.

Participants may find area parking at street meters and area parking garages. The parking meters on Chestnut St. accept debit and credit cards. The [Chestnut Street Garage](#) at 44 E. Chestnut St. is across the street from the side of 246 N. High St.