



Department of  
Aging

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

## NOTICE

ODA will conduct a public hearing to obtain comments concerning ODA's proposed adoption of amended rules regarding **provider agreements**, as required by section 119.03 of the Revised Code. ODA will conduct the hearing on **January 7, 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 **10:00AM** and will continue until all parties in attendance at that time have had an opportunity to provide comment.

### INTRODUCTION

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 five of the rules in Chapters 173-3 and 173-4 of the Administrative Code.

### 173-3-06 Mandatory clauses.

ODA is proposing to amend the rule to:

1. Delete ", and has the consent of the consumer" from paragraph (A)(12) of the rule because a provider does not need the consent of a consumer before reporting reasonable cause to believe a consumer is the victim of abuse, neglect, or exploitation.
2. After the words, "This rule applies only to provider agreements entered into by the AAA after" in paragraph (D) of the rule, insert the words, " February fifteen, two thousand nine, which was." And, in between the words, "the effective date of" and "this rule" in paragraph (D) of the rule, insert the words "the first time ODA adopted."
3. Replace "Section 213.20 of Am. Sub. H. B. No. 119 (127th G.A.)" in the "Rule Amplifies" section of the rule with "Section 209.30 of Am. Sub. H. B. No. 1 (128th G.A.)."

### 173-3-06.1 Adult day service.

ODA is proposing to amend the rule to replace "accessibility guidelines of the 'Americans with Disabilities Act,' 45 C.F.R., Part 36" in paragraph (B)(2)(b) of the rule with "'ADA Accessibility Guidelines for Buildings and Facilities' in appendix A to 28 C.F.R. Part 36."

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**173-3-06.5 Personal care service.**

ODA is proposing to amend the rule to:

1. Replace the citation "(B)(2)(a)(v)" in paragraph (B)(2)(b) of the rule with "(B)(2)(a)(iii)."
2. Replace the citation "(B)(2)(a)(v)" in paragraph (B)(4) of the rule with "(B)(2)(a)(iii)."

**173-3-06.6 Transportation service.**

ODA is proposing to amend the rule to replace the words, "or another mechanic approved by the PAA" in paragraph (B)(2)(a)(i) of the rule with ", or another mechanic approved by the AAA,".

**173-4-04.2 Restaurant and grocery meal service.**

ODA is proposing to amend the rule to:

1. Replace the words, "home-delivered nutrition program" in paragraph (B)(9) of the rule, with the words, "home-delivered or congregate nutrition programs."
2. Replace "Section 213.20 of Am. Sub. H. B. No. 119 (127th G.A.)" in the "Rule Amplifies" section of the rule with "Section 209.30 of Am. Sub. H. B. No. 1 (128th G.A.)."

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).