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Hearing Date: 11/26/2024

Today's Date: 11/27/2024

Agency: Ohio Department of Aging

Rule Number(s): 173-2-05

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If no comments at the hearing, please check the box. ☐

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List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. AAA1 (Council on Aging of Southwest Ohio)

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## Hearing Summary Report

### **Consolidated Summary of Comments Received**

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

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The AAA correctly testified that the rule on area plans requires compliance with a new federal rule on area plans, which is 45 CFR 1321.65. The new federal rule cites 42 USC 3027 and repeats a prohibition in section 3027 that prohibits an AAA from directly providing a service unless the AAA has a waiver against the prohibition from ODA. The AAA wanted clarification on this because it is currently directly providing caregiver services under Title III-E of the Older Americans Act, which is also called the National Family Caregiver Support Program.

## Hearing Summary Report

### **Incorporated Comments into Rule(s)**

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

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On 11/27/2024, ODA explained that although HHS adopted 45 CFR 1321.65 earlier this year, the prohibition against an AAA directly providing a service is not new. The federal rule repeats the prohibition already established in section 307 of the Older Americans Act ([42 USC 3027](#)). ODA also explained that any AAA that wants to directly provide a service must apply to ODA for a waiver against the prohibition.