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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

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

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).

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.

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.