



# Common Sense Initiative

Mike DeWine, *Governor*  
Jim Tressel, *Lt. Governor*

Joseph Baker, *Director*

## MEMORANDUM

**TO:** Tom Simmons, Ohio Department of Aging

**FROM:** Caleb White, Business Advocate

**DATE:** August 11, 2025

**RE:** **CSI Review – Older Americans Act: Voluntary Contributions, Cost Sharing, and Other Program Income (OAC 173-3-07)**

Pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

### Analysis

This rule package consists of one amended rule proposed by the Ohio Department of Aging (Department) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on July 2, 2025, and the public comment period was held open through July 14, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on July 2, 2025.

Ohio Administrative Code (OAC) 173-3-07 establishes requirements surrounding voluntary contributions, cost sharing, and program income paid for in whole or in part with Older Americans Act Funds. This rule establishes that each Agency Area on Aging (AAA) is required to consult with service providers and older individuals in the AAA's planning service area to determine the best method for accepting voluntary contributions, outlines a provider's abilities and requirements related to voluntary contributions, outlines AAA requirements related to cost sharing, establishes a sliding -

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fee schedule related to cost sharing, and implements requirements related to program income. This rule is amended to update the title, update terminology, align requirements with 45 CFR 1321.9 and requirements regarding program income which are also mirrored in 45 CFR 1321.9.

During early stakeholder outreach, the Department conducted an online meeting with stakeholders regarding the implementation of 45 CFR Part 1321 into the Department's rules. For this meeting the Department invited all AAA providers, the Academy of Senior Health Sciences, Inc., Carroll County Council on Aging, Comfort Keepers, Guernsey County Senior Citizens Center, Inc., Kno-Ho-Co-Ashland Community Action Commission (KHCA), LeadingAge Ohio, LifeCare Alliance, Ohio Association of Areas on Aging (O4A), Ohio Association of Senior Centers (OASC), Ohio Council for Home Care and Hospice (OCHCH), Ohio Health Care Association (OHCA), Ohio Jewish Communities (OJC), Preble County Senior Center, Senior Resource Connection, Office of the State Long-Term Care Ombudsman, and United Senior Services. The Department then emailed the proposed rule to all AAA providers and O4A on May 29, 2025. During this period the Department received one comment from a AAA requesting clarification on if private pay is a type of program income. The Department then provided clarification in response to this question. No comments were received during the CSI public comment period.

The business community impacted by the rule includes every provider with an AAA-provider agreement for a service that is paid in whole or in part with OAA funds. The adverse impacts created by the rule include the requirement for providers to allow consumers to contribute towards the provision of services paid with OAA funds and the requirement for providers to safeguard a consumer's contributions and other program income. The Department states that the adverse impacts to business are justified to establish standards for voluntary contributions, cost sharing, and other program income received for services provided, in whole or in part, with OAA funds and to establish Ohio's option to implement cost-sharing requirements.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Department should proceed in filing the proposed rule with the Joint Committee on Agency Rule Review.