



Common Sense Initiative

Mike DeWine, Governor
Jim Tressel, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Tom Simmons, Ohio Department of Aging

FROM: Jacob Ritzenthaler, Business Advocate

DATE: August 11, 2025

RE: CSI Review – OAA Nutrition Program: Congregate Dining (OAC 173-4-05.1)

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 14, 2025, and the public comment period was held open through July 27, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on July 14, 2025.

Ohio Administrative Code 173-4-05.1 establishes requirements for the provision of congregate dining projects with Older Americans Act (OAA) funding through an Area Agency on Aging (AAA) provider agreement. The rule sets forth requirements for provider availability, restrictions on carry-out meals, emergency closings, quality assurance, and meal verification. The rule previously stated that OAA funds may not be used to pay for regularly provided carry-out meals, with the exception for anticipated losses of congregate dining service due to weather-related emergencies or states of emergency. The rule is amended to provide guidelines for the provision of carry-out meals, including

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allowances for complementing congregate dining programs, prohibiting carry-out meals from exceeding 25% of the funds expended by an AAA under OAA Title III, Part C-1, and allowing carry-out meals to address needs or in the event of disaster or emergency.

During early stakeholder outreach, the Department sent the rule to industry stakeholders for feedback, including the Academy of Senior Health Sciences, Carroll County Council on Aging, Comfort Keepers, Guernsey County Senior Citizens Center, Kno-Ho-Co Ashland Community Action Commission, LeadingAge Ohio, LifeCare Alliance, the Ohio Association of Area Agencies on Aging, the Ohio Association of Senior Centers, the Ohio Council for Home Care and Hospice, the Ohio Health Care Association, Ohio Jewish Communities, Preble County Senior Center, Senior Resource Connection, the State Long-Term Care Ombudsman, and United Senior Services. During that time, multiple AAAs inquired about the inclusion of carry-out meals, to which the Department stated that carry-out meals are required to be included in both the state plan and area plan. No comments were received during the CSI public comment period.

The business community impacted by the rule includes all providers with an AAA-provider agreement to be paid with OAA funds to provide congregate dining projects. The adverse impacts created by the rule include maintaining congregate dining availability for at least five days per week for at least one meal, complying with requirements for carry-out meals, providing reasonable notice of closure due to emergencies, implementing quality assurance evaluations, and reporting information for service delivery. The Department states that the adverse impacts are necessary to ensure the health and safety of older Americans.

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.