



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: Nutrition Counseling (OAC 173-4-07)

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 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 173-4-07 establishes requirements for nutrition counseling paid for by Older Americans Act (OAA) funding through an Area Agency on Aging (AAA) provider agreement. The rule sets forth requirements concerning orders and limits, venues, nutritional assessments, nutrition intervention plans, and service verification. The rule is amended to state that nutrition counseling is provided under Title III, Parts C1 and C2 of the OAA, and to correct an error.

During early stakeholder outreach, the Department sent the rule to industry stakeholders for feedback,

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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. No comments were received during that time or 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 nutrition counseling. The adverse impacts created by the rule include requirements for dietitians to provide counseling, complying with nutrition intervention plan requirements, reporting information for service verification, and conducting nutritional assessments. The Department states that the adverse impacts are necessary to ensure the health and safety of consumers.

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.