



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: September 19, 2025

RE: **CSI Review – Older Americans Act: Requirements to Include in Every AAA-Provider Agreement (OAC 173-3-06)**

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 August 26, 2025, and the public comment period was held open through September 8, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on August 26, 2025.

Ohio Administrative Code (OAC) 173-3-06 establishes requirements all Area Agency On Aging (AAA)-provider agreements must meet if they use services that are paid for in whole or part by Older Americans Act (OAA) funds. These requirements include program funding identification requirements, safety requirements, confidentiality requirements, provider qualification requirements, subcontracting requirements, agreement modification requirements, records requirements, payment requirements, and administrative hearing requirements. This rule is amended to incorporate by

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reference federal requirements related to information confidentiality, delete duplicative requirements related to information confidentiality, update federal rule references, update the abbreviation used for the Department, simplify a requirement related to a deadline for notification of significant changes by replacing it with a term defined in OAC 173-2-01, establish that a requirement to participate in monitoring of the provision of services applies to both announced and unannounced monitoring, and add a new provision that treats any references in the rule to consumers as including a caregiver if that caregiver is the service recipient.

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 on February 26, 2025. 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 July 30, 2025. During this period, the Department received one comment from an AAA requesting that language be added to the rule to allow for unannounced visits regarding monitoring. The Department replied to this comment by amending the rule to require providers to comply with both announced and unannounced visits. 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 to be paid with OAA funds to provide legal assistance in Ohio. The adverse impacts created by the rule include program identification requirements, notification requirements related to significant changes in case-managed consumers, discontinuation of services, and how a consumer can reach a long-term care ombudsman, confidential information storage requirements, subcontracting requirements, agreement modification requirements, electronic records permission requirements, records retention requirements, and payment requirements. The Department states that the adverse impacts to business are justified to establish requirements for AAA-provider agreements, and ensure necessary safeguards are in place to protect the health and safety of consumers receiving services paid with Older Americans Act funds.

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.