



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: September 19, 2025

RE: **CSI Review – Older Americans Act Nutrition Program: Grocery Shopping Assistance and Grocery Ordering and Delivery (OAC 173-4-10 and 173-4-11)**

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 two amended rules proposed by the Ohio Department of Aging (Department) as part of the five-year review requirement. This rule package was submitted to the CSI Office on July 15, 2025, and the public comment period was held open through July 28, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on July 15, 2025.

Ohio Administrative Code (OAC) 173-4-10 establishes requirements for Area Agency on Aging (AAA) provider agreement grocery shopping assistance services funded through Older Americans Act (OAA) funds. The rule is amended to clarify that the service is provided to a single consumer, include Title III-C funds as a source of funding for grocery shopping assistance services, and include a consumer's preferences as a consideration. OAC 173-4-11 establishes requirements for grocery ordering and delivery services and is amended to clarify that the service is provided to a single

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consumer, to allow the use of Title III-C funds, and to include a consumer's preferences as a consideration.

During early stakeholder outreach, the Department sent the rules 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 this period, the Department provided clarification to questions received from AAAs. One comment was received during the CSI comment period from an AAA that expressed concerns regarding the interpretation of services, removal of the word "safe" from delivery procedures, definition of service specifics, federal guidance, and adverse impacts. The Department responded by explaining that the service may be interpreted to include food banks and that food banks that operate delivery services would be more appropriate to under the grocery ordering and delivery service.

The business community impacted by the rules includes all providers that maintain an AAA-provider agreement for grocery shopping assistance or ordering and delivery services. The adverse impacts created by the rules include the necessity to maintain an AAA-provider agreement, providing introductory information to consumers, complying with service provision guidelines, complying with limitations on funding sources for services, and submitting information on service provision to ensure documentation. The Department notes that providers establish their payment rate when they respond to a request for proposals, which is formulated to include a provider's costs. The Department states that the adverse impacts are necessary to ensure the health and safety of older Ohioans who are consumers of services paid for by OAA 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 rules with the Joint Committee on Agency Rule Review.