ACTION: To Be Refiled

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Ohio Department of Aging

John Kasich, Governor
Bonnie K. Burman, Sc.D., Director

MEMORANDUM of RESPONSE

NUTRITION RULES

To: Mark Hamlin, Director of Regulatory Policy, CSIO
Sydney King, Regulatory Policy Advocate, CSIO

From: Tom Simmons, Policy Development Manager

Date: April 18, 2016, *revised* May 2, 2016

Thank you for reviewing ODA's proposals for OAC 173-3-06.1, Chapter 173-4, 173-39-02.1, 173-39-02.2, 173-39-02.10, and 173-39-02.14. Because CSIO recommended ODA proceed without further amendments, ODA will file the rules with JCARR to begin the legislature's portion of the rule-review process.

Thank you for your work.

The President signed the Older Americans Act Reauthorization Act of 2016 into law a day after ODA made the original filing of the nutrition rules. Thank you for reviewing the rules again in light of the Reauthorization Act.

ODA previously informed your office that the Reauthorization Act wouldn't require any amendments to the nutrition rules other than to update the version of the Older Americans Act that many rules reference. Even the new language about local foods wouldn't ODA to substantively revise the nutrition rules because (1) ODA's rules don't prohibit or limit using local foods, (2) the Reauthorization Act only encourages (*vs.*, "require") AAAs to procure for locally-grown foods, and (3) the Reauthorization Act only encourages procuring for locally-grown foods "where feasible." Fortunately, the rich soils of Ohio produce enough food to make this feasible. Local companies and non-profits already capitalize on the local-food trend. For example, Kenyon College approached ODA to promote their farm-to-table food program. They want to expand from just feeding students to also feeding elders. Like all providers, Kenyon College would need to bid for an AAA-provider agreement through free and open competition when their area agency on aging begins the next round of competition.

In addition to updating references to the Older Americans Act, ODA also informed your office that ODA plans to replace "home-delivered meals" in OAC173-39-02.1(B) with "ADS" and to upload a revised public hearing notice for a public hearing at the same location on the same time and day indicated on the original notice.

Because CSIO recommended that ODA proceed with the revised filings, ODA will make the revised filings.

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