

**MEMORANDUM**

**TO:** Tom Simmons, Ohio Department of Aging

**FROM:** Emily Kaylor, Director of Regulatory Policy

**DATE:** June 6, 2017

**RE:** **CSI Review – Home-Delivered Meals Projects (OAC 173-4-05.2)**

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On behalf of Lt. Governor Mary Taylor, and 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 Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of one amended rule submitted by the Ohio Department of Aging (ODA). The rule package was submitted to the CSI Office on March 13, 2017 and the public comment period was held open through March 19. Twelve public comments were received during this time. A response to comments was sent on April 21. CSI followed up with ODA on May 2 to confirm that the responses were provided to the commenters and that the comments did not result in rule changes.

This rule explains the minimum requirements for Area Agencies on Aging provider agreements for home-delivered meals that are paid for with Older Americans Act funds. This rule was previously adopted in September 2016 but is being amended in response to immediate feedback and recommendations received from stakeholders after implementation. The amendments provide more flexibility for the providers to enter into alternative delivery arrangements with consumers who authorize such circumstances, prohibit Area Agencies on Aging from requiring a provider to use a particular system for delivery verification, and expand the individuals who can attest delivery to consumers, consumers' caregivers, and delivery persons.

Twelve comments were received during the CSI public comment period. Comments were received from Area Agencies on Aging, various providers, and a couple individual stakeholders. ODA provided responses to these comments clarifying rule language and explaining that the rules are allowing for flexibility in the provider agreements. The amendments are proposed in direct response to stakeholder feedback from the original rule implementation.

The BIA explains that the rule impacts the 114 providers that have entered into agreements with Area Agencies on Aging to deliver these meals. ODA lists the various adverse impacts including verifying each delivery, notifying consumers of emergency closings, and implementing plans to evaluate and improve effectiveness. These impacts require time and reporting on the part of the provider. While ODA did not quantify these amounts, they did detail the impacts, provide justification and code references for support, and explain options available in the rules to allow for a reduced burden.

### **Recommendation**

For the reasons explained above, this office does not have any recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Department of Aging should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.