



## MEMORANDUM

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

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** March 2, 2018

**RE:** **CSI Review – Older Americans Act (OAC 173-3-04 through 173-3-07)**

---

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 four amended rules proposed by the Ohio Department of Aging (ODA) as part of the statutory five-year rule review requirement. The rule package was submitted to the CSI Office on November 6, 2017 and the public comment period was held open through November 19, 2017. No comments were received during this time.

The rules in this package set forth requirements and standards for area agencies on aging (AAA) that concern the Older Americans Act of 1965. AAAs oversee multiple counties within the state and are tasked with developing plans in accordance with the Older Americans Act. The rules include requirements for AAA provider agreements, procurement standards, and consumer contributions. Ohio Administrative Code (OAC) 173-3-06 is being amended to update the safety requirements regarding adult protective services and reporting abuse or neglect. OAC 173-3-07 is being amended to address the inclusion of federal poverty guidelines and refer to the location of published guidelines. All of the rules are being amended to update style and references.

**77 South High Street | 30th Floor | Columbus, Ohio 43215-6117**  
**[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)**

During early stakeholder outreach, ODA presented the rules to service providers, provider associations, and relevant industry stakeholders for comment. ODA received four comments from stakeholders. One comment stated that the language regarding voluntary contributions in OAC 173-3-07 is confusing for providers and suggested changes. ODA responded that allowing consumers to make voluntary contributions for all services is required through Section 315(b)(1) of the Older Americans Act so changes could not be made to the requirements. Three stakeholders expressed support for the rules and amendments. No comments were received during the CSI public comment period.

The business community impacted by these rules includes all developmental disability service providers involved in AAA provider agreements. The adverse costs of the rules include the time to complete the bidding process to complete an AAA provider agreement, which may result in providers missing out on obtaining a provider agreement due to competition. After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Department of Aging should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.