

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**173-4-01 Introduction and definitions.**

(A) Introduction: Chapter 173-4 of the Administrative Code establishes criteria that each AAA shall follow when entering into a provider agreement for the provision of a nutrition program or a nutrition-related service by a non-certified provider under section 173.392 of the Revised Code. (See Chapter 173-39 of the Administrative Code for criteria regarding providers certified under section 173.391 of the Revised Code.)

(B) Definitions for this chapter:

- (1) "Area agency on aging" ("AAA") means a public or non-profit entity that ODA designates, under Section 305 of the Older Americans Act, to serve as an AAA. Each AAA receives state and federal funds from ODA to administer aging-related programs within a particular PSA.
- (2) "Consumer's signature" means the signature, mark, or electronic signature of a consumer, or the consumer's family caregiver, who may verify that a service was performed. Examples of means to record an electronic signature are the "SAMS Scan," "MJM Swipe Card," call-in verification, etc.
- (3) "Expiration date" means the date that ensures that the consumer has notice of when a product is no longer safe to eat and needs to be discarded.
- (4) "Family caregiver" has the same meaning as in Section 302 of the Older Americans Act.
- (5) "Licensed dietitian" ("LD") means a person who holds a current, valid license to practice as a licensed dietitian issued under Chapter 4759. of the Revised Code. A LD assesses nutritional needs and food patterns, makes recommendations for appropriate food and nutrient intake, provides nutritional education and counseling, and develops nutritional care standards for individuals and groups.
- (6) "Means testing" means the consideration a consumer's financial resources (i.e., "means") in order to determine eligibility for a service or to determine cost sharing or voluntary contribution amounts.
- (7) "ODA" means "the Ohio department of aging."
- (8) "Older Americans Act" means the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended in 2006.
- (9) "Older Americans Act funds" means funds appropriated to ODA through Title III of the Older Americans Act.
- (10) "Outbreak of food-borne illness" means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food or a single case of illness if the consumer is ill with botulism or chemical poisoning.
- (11) "Planning and service area" ("PSA") means a geographical region of Ohio that ODA designates as a PSA under Section 305 of the Older Americans Act. ODA lists the PSAs it has designated in rule 173-1-03 of the Administrative Code.
- (12) "Provider" means an organization that has entered into a provider agreement with an AAA to provide any one or more of the following within the PSA: a congregate nutrition program, a home-delivered nutrition program, a restaurant and grocery meal service, or a nutrition-related service.
- (13) "Serving size" means a standardized amount of a food, such as a cup or an ounce, that is used in

**Comment [ODA1]:** FOR RESCISSION. Please see the proposed new version of the rule.

**Comment [ODA2]:** This term is defined in rule 173-3-01 of the Administrative Code.

**Comment [ODA3]:** This term is defined in rule 173-3-01 of the Administrative Code.

**Comment [ODA4]:** This term is defined in rule 173-3-01 of the Administrative Code.

**Comment [ODA5]:** ODA proposes to not add this additional information. Section 4759.06 of the Revised Code makes an adequate definition.

**Comment [ODA6]:** The term is not used in the proposed amended and new rules for this chapter.

**Comment [ODA7]:** This term is defined in rule 173-3-01 of the Administrative Code.

**Comment [ODA8]:** This term is defined in rule 173-3-01 of the Administrative Code.

**Comment [ODA9]:** This term is defined in rule 173-3-01 of the Administrative Code.

**Comment [ODA10]:** The term is not used in the proposed amended and new rules for this chapter.

**Comment [ODA11]:** This term is defined in rule 173-3-01 of the Administrative Code.

**Comment [ODA12]:** This term is defined in rule 173-3-01 of the Administrative Code.

**Comment [ODA13]:** The term is not used in the proposed amended and new rules for this chapter.

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providing dietary guidance or in making comparisons among similar foods.