

*** DRAFT - NOT YET FILED ***

173-2-05

Designating new AAAs.

(A) **Occasion:** ODA shall designate an entity as an AAA only if a change in the structure of Ohio's existing PSAs creates a new PSA for which no AAA has been designated, or if ODA de-designates a currently-designated AAA according to rule 173-2-08 of the Administrative Code.

(B) **Eligibility criteria:** ODA shall only designate an entity as an AAA if the entity meets both of the following criteria:

(1) The entity is one of the following four types of entities:

(a) An established office of aging which is operating within the PSA for which designation as an AAA is sought.

(b) Any office or agency of a unit of general-purpose local government that is designated to function only for the purpose of serving as an AAA by the chief elected official of the unit of general-purpose local government.

(c) Any office or agency designated by the appropriate chief elected officials of any combination of units of general-purpose local government to act only on behalf of the combination of units of general-purpose local government for purpose of serving as an AAA.

(d) Any public or non-profit private agency that is located within the PSA, or any separate organizational unit within such an agency, that would engage only in the planning or provision of services within the PSA.

(2) ODA approves the area plan that the entity prepared and developed for the PSA according to rule 173-2-06 of the Administrative Code.

(C) **Right of first refusal:** When designating a new AAA, ODA shall give the right of first refusal to a unit of general-purpose local government that meets the requirements under paragraphs (B) of this rule, if its geographical boundaries are reasonably contiguous with the those of the PSA. If the unit of general-purpose local government chooses not to exercise this right, ODA shall then give preference to an established office on aging that meets both of the requirements under paragraph (B) of this rule.

(D) **Definition for this rule:** "Unit of general-purpose local government" means a political subdivision whose authority is general and not limited to only one function or a combination of related functions. "Unit of general-purpose local government" does not include a local unit of state government.

Sub-headings allow the reader to more-easily navigate the rule.

§305(c) of the Act uses "any," not "an." Compare to current rule.

In the current version of the rule, this appears in (B).

This paragraph--and especially "chooses not to exercise this right"--closely follow 45 C.F.R. 1321.33

From 45 C.F.R. 1321.33

There is no need to say "is qualified" because the paragraph also says "meets...the requirements...." Compare to current rule.

Replaces: 173-2-05

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 173.01, 173.011, 173.02; 45 C.F.R. 1321.11 (October 1, 2013 edition)
Rule Amplifies: 173.01, 173.011; Section 305 of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006; 45 C.F.R. 1321.11, 1321.33 (October 1, 2013 editions)
Prior Effective Dates: As 173:1-2-03: 10/13/1989 (Emer.), 02/26/1990 (Emer.), 08/24/1990, 01/17/1999. As 173-2-02: 05/15/2000. As 173-2-05: 06/11/2009

ODA did not reference the citations in blue during the last rule filing.

