

173-3-07

**Older Americans Act: consumer contributions.**

(A) Introduction: All goods or services paid, in whole or in part, with Older Americans Act funds are subject to voluntary contributions. All services paid, in whole or in part, with Older Americans Act funds are subject to cost sharing, except for goods or services excluded by paragraph (C)(1) of this rule.

(B) Voluntary contributions:

(1) Each provider shall allow consumers to contribute towards the provision of goods or services paid, in whole or in part, with Older Americans Act funds, pursuant to section 315(b)(1) of the Older Americans Act and 45 C.F.R. 1321.67(a)(1) (~~October 1, 2015 edition~~). The provider may solicit consumers to contribute toward the cost of the goods and services they receive and shall encourage any consumer to contribute if the consumer's self-declared income is at, or above, one hundred eighty-five per cent of the federal poverty ~~level~~ guidelines, which the United States department of health and human services establishes annually according to section 673(2) of the Omnibus Reconciliation Act of 1981, 95 Stat. 511, 42 U.S.C. 9902 and publishes on <https://aspe.hhs.gov/poverty-guidelines>.

(2) The provider shall clearly inform each consumer that contributions are purely voluntary.

(3) The provider shall protect the privacy of each consumer with respect to his or her contribution.

(4) The provider shall safeguard and account for all voluntary contributions.

(5) The provider may develop a suggested contributions schedule for voluntary contributions according to 45 C.F.R. 1321.67(c) (~~October 1, 2015 edition~~).

(6) The provider shall use collected voluntary contributions to expand the goods or services for which consumers contributed and supplement (not supplant) Older Americans Act funds for those goods or services.

(C) Cost sharing:

(1) All good and services paid, in whole or in part, with Older Americans Act funds are subject to cost sharing, except for the following goods and services:

(a) Information and assistance, outreach, benefits counseling, case management, disease prevention, health promotion, or volunteer placement.

- (b) Education, training, or a support group provided through the national family caregiver support program.
  - (c) Congregate and home-delivered meals.
  - (d) Ombudsman, elder abuse prevention, legal assistance, or another consumer-protection service.
  - (e) Transportation, although the AAA may apply to ODA for a waiver of this exemption if the transportation is coordinated with other services and is paid, in whole or in part, with Older Americans Act funds.
- (2) Each AAA shall implement and administer a cost-sharing policy that includes all of the following:
- (a) The policy shall include the sliding-fee schedule below, which determines the percentage of the actual (or partial) contracted cost of a unit of a good or a service provided that the AAA shall suggest that a consumer pay based upon the consumer's individual income as a percentage of the federal poverty ~~level~~ guideline. Under no circumstances shall an AAA permit or require a consumer to participate in cost sharing when the consumer's income ~~level~~ is below one hundred fifty per cent of the federal poverty ~~level~~ guideline.

Sliding-fee Schedule

INCOME <del>LEVEL</del>	SUGGESTED COST SHARE
149% and below	0%
150-174%	10%
175-199%	20%
200-224%	30%
225-249%	40%
250-274%	50%
275-299%	60%
300-324%	70%
325-349%	80%

350-374%	90%
375% and above	100%

- (b) The policy shall include a requirement to determine the consumer's income solely by the consumer's self-declaration of income with no requirement for verification, and no consideration of the consumer's assets, savings, or other property.
  - (c) The policy shall include a procedure for collecting cost-sharing payments from consumers, including from consumers receiving consumer-directed services.
  - (d) The policy shall include a requirement to widely distribute written materials to consumers that describe the requirements for cost sharing, the services subject to cost sharing, the procedure for cost sharing, and the sliding-fee schedule published in this rule. The written materials shall also state that a provider shall not deny any goods or services paid, in whole or in part, by Older Americans Act funds if the consumer fails to make a cost sharing payment towards those goods or services.
  - (e) The policy shall include a requirement to provide a receipt to a consumer or caregiver who makes a payment.
  - (f) The policy shall include a procedure for safeguarding and accounting for all cost-sharing funds collected.
  - (g) The policy shall include a requirement to retain records of all cost-sharing funds collected.
  - (h) The policy shall include a requirement to keep the consumer's declaration of income (or non-declaration of income) and cost-sharing payment history confidential.
  - (i) The policy shall include a requirement to use the funds collected from cost sharing to expand the capacity to provide the service for which the funds were given, unless the funds are used to expand the pool of funds from which the care-coordinated services are paid.
- (3) The AAA may delegate the administration of its cost-sharing policy to providers with whom it enters into an AAA-provider agreement under rule 173-3-06 of the Administrative Code.

- (4) The AAA may request a waiver from paragraph (C)(3) of this rule to implement and administer a cost-sharing policy. ODA shall approve the request if the AAA demonstrates to ODA, by a preponderance of the evidence, one or more of the following:
- (a) At least eighty per cent of the consumers in the PSA have incomes below one hundred fifty per cent of the federal poverty level.
  - (b) Cost sharing generates fewer funds in the PSA than the funds required to cover its annual, ongoing administrative expenses.
  - (c) A waiver is necessary in order for the services normally subject to this rule to be coordinated with other service systems.
- ~~(D) Definition for this rule: "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as was in effect on January 25, 2016.~~

Effective: 6/1/2018  
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CERTIFIED ELECTRONICALLY

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Certification

05/07/2018

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 173.392; 42 U.S.C. 3025(a)(1)(C); 45 C.F.R. 1321.11(a).  
Rule Amplifies: 173.392; 42 U.S.C. 3030c-2; 45 C.F.R. 75.403(c), 1321.11(b), 1321.53, 1321.65(c), 1321.67.  
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