



## Ohio Administrative Code

### Rule 173-2-05 AAAs: standards for AAAs.

Effective: January 1, 2026

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(A) Each AAA shall comply with all the following standards:

- (1) All requirements for an AAA in this chapter and Chapters 173-3, 173-4, and 173-9 of the Administrative Code.
- (2) The requirements under 42 U.S.C. 3026(a)(1) and 45 C.F.R. 1321.55 to establish a comprehensive and coordinated system.
- (3) The requirement under 45 C.F.R. 1321.55(b)(10) for a board of directors.
- (4) The standards under 45 C.F.R. 1321.57, section 173.38 of the Revised Code, Chapter 173-9 of the Administrative Code, and paragraph (A)(9) of this rule on staffing and staff qualifications.
- (5) The requirements under 45 C.F.R. 1321.47(a)(5) and 1321.59 for policies and procedures.
- (6) The requirements under 42 U.S.C. 3026(a)(6)(B) and 45 C.F.R. 1321.61 on advocacy.
- (7) The requirement under 42 U.S.C. 3026(a)(6)(D) and 45 C.F.R. 1321.63 to establish an advisory council.
- (8) The following area-plan standards and procedures, pursuant to 45 C.F.R. 1321.65:
  - (a) AGE notifies each AAA before its current area plan expires of the upcoming need to prepare and submit a new four-year area plan in the format described in the notice, and to submit that area plan according to the instructions in the notice with the following:
    - (i) The AAA's plan for a comprehensive and coordinated service delivery system for services to older individuals in its PSA.



- (ii) Assurances, an operational budget, and the AAA's plan to distribute funds in the PSA to address populations identified as in greatest social need and greatest economic need within the parameters listed in the appendix to rule 173-2-03 of the Administrative Code.
- (iii) Any funds transfer requests that the AAA wants, within the parameters listed in the appendix to rule 173-2-03 of the Administrative Code.
- (iv) Any waiver request under rule 173-2-09 of the Administrative Code that the AAA requests.
- (v) A description of the populations in the PSA at greatest economic and greatest social need.
- (vi) An assessment of the needs of older individuals, including an assessment and evaluation of unmet need, in the PSA through various mechanisms including community forums, questionnaires, reputable data sources, and surveys.
- (vii) The AAA's response to the findings of the needs assessment.
- (viii) The input provided through the public participation in paragraph (A)(8)(b) of this rule.
- (ix) A description of the AAA's compliance with 45 C.F.R. 1321.65(d).
- (x) Any other information listed in the notice as a requirement for an area plan.

(b) The requirement under 45 C.F.R. 1321.65(b)(4) for each AAA to incorporate public participation in the development of its area plan according to AGE's standards for the public participation, which are to conduct a public hearing on its area plan by notifying providers, older individuals, other stakeholders, and the general public in the PSA of the date, time, and place of the public hearing.

(c) The AAA shall fully implement the duties outlined in its approved area plan, whether it does so directly or through contractual or other arrangements.

(d) An AAA may appeal a denied area plan by emailing [elderconnections@age.ohio.gov](mailto:elderconnections@age.ohio.gov) and



including any of the following type of information that apply in, or attached to, the email:

- (i) The information required under paragraph (A)(8)(a) of this rule, if the denial was based on incomplete or incorrect information in the AAA's original submission.
- (ii) A defense of compliance with federal laws and rules and state laws and rules, if the denial was based on non-compliance with those laws and rules.
- (iii) Any other information noted in the denial as missing

(e) An AAA may request AGE's approval to amend an approved area plan by emailing [elderconnections@age.ohio.gov](mailto:elderconnections@age.ohio.gov) including all of the following information in, or attached to, the email:

- (i) An explanation of the need to amend.
- (ii) A correction to the information the AAA originally submitted to AGE under paragraph (A)(8)(a) of this rule, that is the basis for the proposed amendment.
- (iii) An explanation of how the amended area plan will comply with federal laws and rules and state laws and rules.

(f) AGE may request additional information from the AAA before deciding whether to approve an appeal under paragraph (A)(8)(d) of this rule or an amendment under paragraph (A)(8)(e) of this rule.

(9) The conflict-of-interest standards under 45 C.F.R. 1321.67, which include the following standards adopted pursuant to 45 C.F.R. 1321.47;

- (a) An organizational conflict of interest is subject to an AGE-approved remedy.
- (b) An individual conflict of interest is subject to an AGE-approved remedy.



- (c) The requirement under 45 C.F.R. 1321.67(a)(5) to periodically review the Title III program to identify, avoid, and remove individual or organizational conflicts of interest.
- (d) The requirement under 2 C.F.R. 200.112 for the AAA to report any potential organizational or individual conflict of interest to AGE.
- (e) An AAA may email AGE at [legal@age.ohio.gov](mailto:legal@age.ohio.gov) with a proposed remedy to a conflict of interest for AGE's approval.

(10) The requirement in 42 U.S.C. 3026(a)(13)(A) and 2 C.F.R. 200.303 for the AAA to monitor each provider with whom it enters into an AAA-provider agreement under rule 173-3-06 of the Administrative Code.

(B) Definitions for this rule:

- (1) "Conflict of interest" has the same meaning as defined or described by all of the following:
  - (a) Chapter 102. of the Revised Code, as that chapter applies to an instrumentality of the state.
  - (b) Section 2921.42 of the Revised Code, as that section applies to an instrumentality of the state.
  - (c) 42 U.S.C. 3027(a)(7)(B).
  - (d) 42 U.S.C. 3026(a)(8)(C)(iii).
  - (e) 2 C.F.R. 200.318 and 200.319 regarding procurement and competition.
- (f) 45 C.F.R. 1321.3, 1321.55(d), 1321.63(d), and 1321.67.
- (g) The United States department of health and human services policies issued pursuant to 2 C.F.R. 300.112.

(2) "Individual conflict of interest" means a conflict of interest held by an AAA's employee, board



member, advisory council member, or volunteer, or provider and contractor. "Individual conflict of interest" includes any conflict listed under 45 C.F.R. 1321.47(b). If the AAA directly provides case management, then "individual conflict of interest" also includes the conflict described in 42 U.S.C. 3026(a)(8)(C)(iii).

(3) "Organizational conflict of interest" means a conflict of interest held by an AAA or its advisory council. "Organizational conflict of interest" includes any conflict listed under 45 C.F.R. 1321.47(c).

(4) "Remedy" means an action, restriction of action, restriction of contact, or other means to neutralize a conflict of interest. Examples of remedies to an organizational conflict of interest are a firewall between the organization's conflicting functions or the termination of one or more of the organization's conflicting functions. Examples of remedies to an individual conflict of interest are the recusal, reassignment, or termination of the employee, board member, advisory council member, or volunteer with the conflict.