



Ohio Administrative Code

Rule 173-2-08 AAAs: commercial relationships.

Effective: April 1, 2026

(A) AGE establishes requirements for AAA commercial relationships in compliance with 42 U.S.C. 3020c and 45 C.F.R. 1321.9(c)(2)(xiv).

(1) For purposes of this rule, a "commercial relationship" means any AAA legal agreement or contract, for the AAA to provide or facilitate a service that is also available under the Older Americans Act (OAA), to an individual or entity not otherwise receiving OAA services, regardless of the source of funding. A "commercial relationship" includes contracts with health care payers, private pay programs, and other arrangements with entities or individuals that increase the availability of home- and community-based services and supports. The following types of agreements are explicitly excluded from this definition:

(a) An agreement in which an AAA uses OAA funding to pay another entity to provide OAA services to consumers in accordance with the approved AAA area plan.

(b) An agreement in which an AAA uses OAA funding to pay an entity to meet the administrative needs necessary to enable the AAA to fulfill its obligations under the OAA.

(c) An agreement in which no monies are exchanged or contemplated by the commercial relationship.

(d) An agreement in which an AAA pays another entity to provide services pursuant to an AGE pre-approved or approved commercial relationship.

(2) Commercial relationships that are pre-approved by AGE, unless the AAA has received an audit report with financial findings within the previous twelve months, include the following:

(a) An agreement solely with a governmental entity.

(b) An agreement solely with another designated AAA.

(c) A renewal or extension of a commercial relationship previously approved by AGE that has substantially the same terms and conditions as the previously approved commercial relationship, if any renewal or extension occurs no later than three years after the expiration of the initial AGE-approved commercial relationship.

(B) An AAA may establish a commercial relationship with any entity if the AAA:

(1) Develops policies and procedures, and ensures that service providers develop policies and procedures, that comply with 45 C.F.R. 1321.9(c)(2)(xiv)(B).



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- (2) Obtains AGE's approval of the commercial relationship in accordance with 42 U.S.C. 3020c, 42 U.S.C. 3025(a)(1)(C), 42 U.S.C. 3026(a)(13) to (a)(15), and 45 C.F.R. 1321.9(c)(2)(xiv), which includes the following:
 - (a) Submit a completed application for approval of any commercial relationship on an AGE-approved form by e-mail to legal@age.ohio.gov. The timing of the submission may occur before or after obtaining the signatures of the parties if no term of the agreement is substantially altered.
 - (b) Unless the commercial relationship is pre-approved, engage in an interactive process with AGE by providing any information, documentation, or assurances as requested by AGE to ensure the prompt and efficient processing of a completed application within fifteen business days, plus any time an AAA may need to respond to AGE inquiries.
 - (c) Provide for an exception in any non-disclosure provision or commercial relationship to allow AGE to obtain information concerning, and a copy of, the commercial relationship on request. AAAs may redact trade secret information with any submission.
 - (d) Ensure the proposed commercial relationship complies with 42 U.S.C. 3020c(a) and (b), and 45 C.F.R. 1321.9(c)(2)(xiv).
- (3) An amendment to a commercial relationship which substantially alters a term or condition of an AGE-approved commercial relationship is subject to the approval standards in paragraph (B)(2) of this rule, unless paragraph (A)(2) of this rule applies.