



Ohio Administrative Code

Rule 173-3-06.10 Older Americans Act: legal assistance.

Effective: November 1, 2025

(A) "Legal assistance" means legal advice, counseling, or representation by an attorney to consumers with economic or social needs, and includes, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and counseling or representation by a non-lawyer where permitted by law.

(1) "Legal assistance" includes advice, counseling, or representation on any of the following topics:

(a) Public benefits.

(b) Advance directives and designating surrogate decision makers who will effectuate consumers' wishes if they become incapacitated.

(c) Defense of guardianship.

(d) Available housing options, including low-income housing programs that allow independence in homes and communities.

(e) Foreclosure or eviction proceedings that jeopardize the ability to stay independent in homes and communities.

(f) The full benefit of appropriate long-term care private financing options.

(g) Long-term financial solvency and economic security.

(h) Consumers' rights when transferring from long-term care facilities to home and community-based services.

(i) Elder abuse, neglect, and exploitation.



(2) "Legal assistance" does not include any of the following activities or advice, counseling, or representation on any of the following activities:

(a) Fee-generating cases, unless other adequate representation is unavailable.

(b) Political activities.

(c) Lobbying.

(d) Public demonstration, picketing, boycott, strike, unless permitted by law in connection with employment.

(e) Encouraging or coercing others to demonstrate, picket, boycott, or strike.

(f) Criminal defense.

(B) Requirements for every AAA-provider agreement for legal assistance paid, in whole or in part, with Older Americans Act funds:

(1) The AAA-provider agreement is subject to rule 173-3-06 of the Administrative Code.

(2) The provider is subject to the following standards for coordination:

(a) The requirement under 42 U.S.C. 3027(a)(11) and 45 C.F.R. 1321.93(f)(2)(xi)(D) to coordinate with existing legal service corporation project grantees in the PSA to concentrate the use of funds provided on individuals with greatest need. Legal services corporation grantees in Ohio can be identified on <https://www.lsc.gov/grants/our-grantees/ohio-state-profile>.

(b) The requirement under 42 U.S.C. 3027(a)(11) and 45 C.F.R. 1321.93(e)(2)(iv) to coordinate with the private bar over legal assistance that the private bar may provide on a pro bono or reduced-fee basis.



- (c) The requirement under 42 U.S.C. 3027(a)(11) and 3058j to coordinate with ODA's legal assistance developer.
- (d) The requirement under 42 U.S.C. 3058(h)(8), 45 C.F.R. 1321.93(d)(4), 1324.13(h)(1)(i), and 1324.15(g), and rule 173-14-18 of the Administrative Code to coordinate with ombudsman programs.
- (e) The requirement under section 5101.63 of the Revised Code for mandatory reporters of abuse, neglect, and exploitation.
- (f) The opportunity to coordinate with adult protective services according to 45 C.F.R. 1324.406.
- (g) The opportunity to coordinate with the Ohio state health insurance information program
- (3) The provider is subject to the priorities for providing legal assistance in 42 U.S.C. 3027(a)(11)(E) and 45 C.F.R. 1321.93(e)(2).
- (4) A person may qualify to provide legal assistance only if the person meets all the qualifications in 45 C.F.R. 1321.93 and is authorized to practice law in Ohio.
- (5) The legal assistance provider may ask about a consumer's financial circumstances only as a part of the process of providing legal advice, counseling, or representation, or to identify additional resources and benefits for which the consumer may be eligible.
- (6) No provider may use Older Americans Act funds to pay bar association dues or supreme court registration fees.
- (7) The provider and AAA are subject to the reporting requirements under 45 C.F.R. 1321.73(b). For the provider, this includes the requirement to collect and report de-identified, aggregated case-level data via the legal assistance reporting tool developed by ACL under 42 U.S.C. 3012(a)(23), as provided by the contracting AAA. For the AAA, this includes the requirement to collect data from contracted provider(s) and submit one comprehensive legal assistance reporting tool to ODA by December thirty-first of each year.



(8) Service verification: The following are the mandatory reporting items for each episode of legal assistance that a provider retains to comply with the requirements under paragraph (B)(9) of rule 173-3-06 of the Administrative Code:

(a) Service date.

(b) Type of legal assistance provided (advice, counseling, or representation).

(c) Units of legal assistance provided.

(d) Name of professional providing the legal assistance.

(C) Units: A unit of legal assistance is one hour of provision of legal assistance, which a provider reports in partial hours per day to two decimal places (e.g., "0.25 hours" or "1.50 hours").