

TO BE RESCINDED

173-4-05.3

Alternative meals and meal types.

A provider shall only provide an alternative meal if the meal complies with rules 173-4-05 and 173-4-05.1 of the Administrative Code and the additional requirements under this rule.

(A) Cultural meal:

- (1) The provider may provide a cultural meal to meet the particular dietary needs arising from cultural backgrounds or beliefs.
- (2) The provider shall only provide a cultural meal if the meal has the same nutrient content of a regular meal or follows the meal pattern for a regular meal, unless restricted by cultural backgrounds or beliefs.
- (3) The provider may provide any of the following categories of vegetarian diets:
 - (a) "Lacto-vegetarian diet" means a diet of only foods derived from plants and also cheese and other dairy products.
 - (b) "Ovo-lacto-vegetarian diet" means a diet of only plant foods, cheese and other dairy products, and eggs.
 - (c) "Semi-vegetarian diet" means a diet that does not include red meat, but includes chicken, fish, plant foods, dairy products, and eggs.

(B) Breakfast and brunch-style meal: A provider may only offer a breakfast or brunch-style meal if the breakfast or brunch-style meal has the same nutrient content of a regular meal or follows the breakfast meal pattern.

(C) Salad bar or soup and salad bar meal (self-directed care):

- (1) The provider may provide a salad bar or soup and salad bar meal service that allows consumers to serve themselves a partial or complete meal from an array of cold foods or a combination of hot and cold foods contained in a piece of equipment designed to maintain foods at proper temperatures.
- (2) A salad bar served as a meal accompaniment shall offer at least three raw vegetables, one of which is deep green, red, or orange; two fruits; two salad dressings, one of which is low-fat; one mixed salad that contains fruits or vegetables like coleslaw, waldorf salad, etc. This counts as two servings of

fruits or vegetables.

- (3) A salad bar served as a meal replacement shall offer four raw vegetables, one of which is deep green, red, or orange; two fruits; two meats or meat substitutes; a calcium source equivalent to eight ounces of milk per serving; two salad dressings; and two servings from the bread group; and an optional dessert. This counts as a full meal if all menu requirements are met.
 - (4) A soup and salad bar served as a meal replacement shall meet the criteria under paragraph (C)(3) of this rule and contain one soup that is a lower-sodium and lower-fat soup.
 - (5) The provider shall document that it provided food safety and sanitation training before serving a salad bar or soup and salad bar meal.
- (D) Frozen, vacuum-packed, cooked-chilled, or modified atmosphere packed (MAP) meal: A "vacuum-packed" meal is a prepared, pre-cooked meal that is packaged in a container in which all the air is removed before the container is sealed to prolong the shelf life and preserve the flavor. A "modified atmosphere packed" ("MAP") meal is a prepared, pre-cooked meal in which a combination of gases (e.g., oxygen, carbon dioxide, nitrogen) are introduced into the package at the time it is sealed to extend the shelf life of the food package:
- (1) The provider may only provide a frozen, vacuum-packed, cooked-chilled, or MAP meal that has the same nutrient content of a regular meal or follows the meal pattern for a regular meal.
 - (2) If the frozen, vacuum-packed, cooked-chilled, or MAP meal is intended as a second meal, the two meals served that day shall together meet two-thirds of the DRI.
 - (3) The provider shall refrigerate frozen, vacuum-packed, cooked-chilled meals, and MAP meals during delivery to the consumer.
 - (4) The provider shall provide written preparation instructions for the consumer.
 - (5) The provider shall label the meal with the use by date or expiration date on the meal package.
 - (6) The provider may only provide a frozen, vacuum-packed, cooked-chilled, or MAP meal to a consumer if the consumer's assessment stipulates that the meal is appropriate.

(E) Non-perishable, emergency, and shelf-stable meal: A "shelf-stable meal" is a meal that is non-perishable, ready-to-eat, stored at room temperature, and eaten without heating. Shelf-stable meals use commercially-produced, approved sources (e.g., canned food, dried foods, or ultra-high temperature pasteurized items such as shelf-stable milk, shelf-stable puddings, and shelf-stable juices):

(1) Every provider of a congregate or home-delivered nutrition program shall develop a written plan for continuing services for the congregate and home-delivered meal service during a weather-related emergency or other emergency. At a minimum, in the plan, the provider shall explain how it plans to enact one of two strategies:

(a) Distribute information to consumers on how a consumer may stock his/her emergency food shelf; or,

(b) Distribute shelf-stable meals to consumers for storage on a consumer's emergency food shelf.

(2) The provider may only provide a non-perishable, emergency, or shelf-stable meal that has the same nutrient content of a regular meal or follows the meal pattern.

(3) The provider may only provide a non-perishable, emergency, or shelf-stable meal if the provider includes a use by date or an expiration date with the meal.

(F) Sacked lunch or boxed lunch:

(1) The provider may only provide a sacked or boxed lunch that has the same nutrient content of a regular meal or follows the meal pattern for a regular meal.

(2) The provider may only provide a sacked or boxed lunch if the provider includes a use by date or expiration date.

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CERTIFIED ELECTRONICALLY

Certification

08/22/2016

Date

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Statutory Authority: 173.01, 173.02, Section 305 (a)(1)(C) 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 (2015)
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