

TO BE RESCINDED

173-4-05.3 Older Americans Act nutrition program: congregate dining projects based in restaurants or grocery stores.

In every AAA-provider agreement for a congregate dining project based in restaurants or grocery stores paid, in whole or in part, with Older Americans Act funds, the AAA shall include the following requirements:

(A) General requirements:

- (1) In the AAA-provider agreement, the AAA shall include the requirements in rule 173-3-06 of the Administrative Code for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.
- (2) In the AAA-provider agreement, the AAA shall include the requirements in rule 173-4-05 of the Administrative Code for every AAA-provider agreement for a nutrition project.

(B) Eligibility verification: The provider shall use one of the following three methods to verify consumers' eligibility when complying with the eligibility-verification requirements in rule 173-4-03 of the Administrative Code:

- (1) Identification card method (whether or not electronically verified): The provider that uses this method shall register each consumer that it serves and issue the consumer an identification card. When the consumer visits the restaurant or grocery store, the consumer shall show the identification card to the designated staff person at the restaurant or grocery store to receive a prepared meal. The provider may use an electronic verification system to validate the identification card.
- (2) Voucher method (whether or not electronically verified): The provider that uses this method shall register each consumer that it serves and issue the consumer a voucher. When the consumer visits the restaurant or grocery store, the consumer shall provide a voucher to the designated staff person at the restaurant or grocery store to receive a prepared meal. The provider may use an electronic verification system to validate the voucher.
- (3) Handwritten verification method: Before providing a consumer his or her first meal, the provider that uses this method shall collect information required by the AAA and obtain a disclosure signature from the consumer.

- (C) Consumer contributions: The provider shall use one of the following two methods for soliciting consumer contributions when complying with the consumer-contribution requirements in rule 173-3-07 of the Administrative Code:
- (1) If the provider uses the consumer identification method in paragraph (B)(1) or (B)(3) of this rule, the provider shall solicit the consumer to voluntarily contribute to the cost of the meals when the provider provides the meals.
 - (2) If the provider uses the method in paragraph (B)(2) of this rule, the provider shall solicit the consumer to voluntarily contribute to the cost of the meals when the provider provides the vouchers.
- (D) Emergency closings: The provider shall distribute information to consumers on how to stock an emergency food shelf.
- (E) Quality assurance: The provider shall elicit comments from consumers on dining environments, food appearance, type of food, food temperatures, and staff professionalism.
- (F) Meal verification:
- (1) The provider shall verify that each meal for which it bills was delivered by one of the following two methods:
 - (a) The provider may use an electronic system if the system does all of the following:
 - (i) Collects the consumer's name, date, and a unique identifier of the consumer or the consumer's caregiver.
 - (ii) Retains the information it collects.
 - (iii) Produces reports, upon request, that the AAA can monitor for compliance.
 - (b) The provider may use a manual system if the provider documents the consumer's name, date of meal, and collects a unique identifier of the consumer or the consumer's caregiver.
 - (2) In the AAA-provider agreement, the AAA shall not prohibit a provider from using an electronic system to collect and retain the records this rule requires.

- (3) During a state of emergency declared by the governor or a federal public health emergency, the provider may verify each meal provided without collecting a unique identifier of the consumer or the consumer's caregiver.

Effective: 1/1/2023

Five Year Review (FYR) Dates: 10/14/2022

CERTIFIED ELECTRONICALLY

Certification

12/19/2022

Date

Promulgated Under: 119.03

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C.F.R. 1321.11, 1321.17

Rule Amplifies: 173.39, 173.392; 42 U.S.C. 3025, 3030e, 3030g-21; 45
C.F.R. 1321.11, 1321.17, 1321.67

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