

173-4-05

**Older Americans Act nutrition program: nutrition projects.**

- (A) Requirements, flexibilities, and recommendations to include in every AAA-provider agreement for a nutrition project paid, in whole or in part, with Older Americans Act funds:
- (1) Every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds is subject to rule 173-3-06 of the Administrative Code.
  - (2) Project types:
    - (a) An AAA-provider agreement for a congregate dining project, is subject to rule 173-4-05.1 of the Administrative Code.
    - (b) An AAA-provider agreement for a home-delivered meals project, is subject to rule 173-4-05.2 of the Administrative Code.
    - (c) An AAA-provider agreement for a congregate dining project based in restaurants and grocery stores, is subject to rule 173-4-05.3 of the Administrative Code.
  - (3) Separate project components: If the AAA procured for components of a nutrition project separately, the AAA shall identify in each provider's AAA-provider agreement, which requirements in Chapters 173-3 and 173-4 of the Administrative Code each provider is required to provide.
  - (4) Nutrition services in addition to providing meals:
    - (a) The AAA shall include a requirement for the provider to provide nutrition health screening to consumers at least every calendar year and strongly encourage providers to provide the nutrition health screening in person.
    - (b) The AAA shall indicate whether the provider is offering nutrition assessment, nutrition counseling, or nutrition education to consumers.
    - (c) The AAA shall indicate whether the provider is providing grocery shopping assistance or grocery ordering and delivery to ~~consumer~~ consumers, and if so, include the requirements in rules 173-4-10 and 173-4-11 of the Administrative Code in the AAA-provider agreement.
  - (5) Eligibility verification: The provider shall determine the eligibility of each consumer before paying for their meals, in whole or in part, with Older Americans Act funds and do so in person whenever possible.

(6) Consumer contributions: The provider is subject to rule 173-3-07 of the Administrative Code.

(7) Person direction:

(a) The provider shall implement the person direction the provider pledged to provide when the provider bid for the AAA-provider agreement. During a state of emergency declared by the governor or a federal public health emergency, the provider is only responsible for providing the person direction that the provider pledged to provide to the extent practicable during the state of emergency or federal public health emergency.

(b) The provider shall offer consumers opportunities to give feedback on current and future menus.

(8) Menus:

(a) The provider shall only offer menus approved by a dietitian.

(b) The AAA shall indicate the method by which the provider offers ingredient information on the meals provided to consumers.

(c) The provider shall list the serving size for each food item on each production menu.

(9) Nutritional adequacy:

(a) The provider shall offer meals that satisfy at least one-third of the dietary reference intakes (DRIs) for each mealtime by targeting nutrient levels on the predominant population and health characteristics of the consumers in the PSA. The federal government makes the DRIs available to the general public free of charge on <https://www.nal.usda.gov/fnic/dietary-reference-intakes>.

(b) For each mealtime, the provider shall offer meals that follow the "Dietary Guidelines for Americans."

(c) For each meal time, the provider shall offer meals that, to the maximum extent practicable, are adjusted to meet any special dietary needs of consumers, including meals adjusted for cultural considerations, and preferences, and medically-tailored meals.

(d) The provider has flexibility in designing meals that are appealing to consumers.

- (e) The provider has flexibility to use either nutrient analysis or menu patterns to determine nutritional adequacy.
  - (f) The AAA shall encourage providers to use, where feasible, locally-grown foods and identify potential partnerships and contracts with local producers and providers of locally-grown foods.
- (10) Diet orders: If the AAA-provider agreement requires the provider to offer consumers therapeutic diets, ~~medical food, or food for special dietary use~~, then the provider is subject to the additional requirements in rule 173-4-06 of the Administrative Code unless it is the consumer's preference to choose a therapeutic diet.
- (11) Dietary supplements: The provider shall not pay for ~~multi-vitamins or mineral~~ supplements, in whole or in part, with Older Americans Act funds unless the supplement is part of a meal with a therapeutic diet.
- (12) Food safety:
- (a) The AAA shall indicate whether the United States department of agriculture, Ohio department of agriculture, another state's department of agriculture, or a local health district has jurisdiction to monitor the provider's compliance with food-safety laws, including sanitation, food temperatures, thermometers, food-borne illnesses, packaging, and dating meals.
  - (b) The AAA shall state that the AAA is responsible for reporting any reasonable cause to believe a provider is out of compliance with food-safety laws to the government authority identified in the AAA-provider agreement to comply with paragraph (A)(12)(a) of this rule.
- (13) Training:
- (a) The provider shall develop a training plan that includes orientation and annual in-service training.
    - (i) Orientation: The provider shall ensure that each employee, including each volunteer, who participates in meal preparation, handling, storage, or delivery successfully completes orientation on topics relevant to the employee's job duties before the employee performs those duties.
    - (ii) In-service training: The provider shall ensure that each employee, including a volunteer, who participates in meal preparation,

handling, storage, or delivery successfully completes in-service training every twelve months on topics relevant to the employee's job duties.

- (b) During a state of emergency declared by the governor or a federal public health emergency, the provider is not responsible for complying with paragraph (A)(13)(a)(i) or (A)(13)(a)(ii) of this rule.

(B) Units:

- (1) Congregate dining project: A unit is one meal provided in compliance with this rule and rule 173-4-05.1 of the Administrative Code.
- (2) Home-delivered meals project: A unit is one meal provided in compliance with this rule and rule 173-4-05.2 of the Administrative Code.
- (3) Congregate dining project based in restaurants or grocery stores: A unit is one meal provided in compliance with this rule and rule 173-4-05.3 of the Administrative Code.

Effective: 12/1/2023  
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CERTIFIED ELECTRONICALLY

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Certification

11/08/2023

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Date

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Statutory Authority: 121.07, 173.01, 173.02, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.11, 1321.17  
Rule Amplifies: 173.39, 173.392; 2 U.S.C. 3025, 3030c-2, 3030e, 3030f, 3030g-21; 45 C.F.R. 1321.11, 1321.17, 1321.67  
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