

TO BE RESCINDED

5122-33-20 **Dietary services.**

(A) Each ACF shall specify in its facility policies and in resident agreements required by rule 5122-33-16 of the Administrative Code, the dietary service provided by the ACF, consistent with this rule.

(B) Each ACF shall provide dietary services that meet at least the following standards:

(1) Each day, the facility shall make available at least three balanced, nourishing and appetizing meals to all residents.

(2) The facility shall have a choice of snacks available.

(3) All ACFs shall provide safe drinking water which shall be readily accessible to residents at all times. Bottled or similar packaged potable water shall be obtained only from appropriately regulated sources and shall be handled and stored in a manner that protects it from contamination. Bottled and packaged potable water shall be dispensed to residents only from the original container.

(4) If a resident is involved in programs, including vocational training or therapeutic day programs that require the resident to be absent from the facility during a scheduled meal time, the facility shall ensure the resident is provided with an adequate meal unless a meal is provided at no additional cost to the resident, as part of the program.

(5) The ACF shall prepare food for residents who have special dietary needs in accordance with dietary instructions from a physician or licensed dietitian. The ACF shall obtain the following information from the physician or dietitian:

(a) A written list of permitted and excluded foods;

(b) Recommended meal patterns and food preparation techniques where applicable; and

(c) A list of additional resources that the facility can consult for additional guidance.

(6) When obtaining this information the ACF shall inform the physician or the dietitian of the staff and equipment available for food preparation and of the dietary needs of all the residents.

- (C) ACFs shall have food, including snack items, reasonably available to meet the individual needs of all residents. Meals and snacks provided shall include a variety of seasonally available food accommodating religious restrictions and ethnic or cultural preferences of residents in accordance with the ACF's policy.
- (1) The facility shall maintain, at all times, a one-week supply of staple foods and a two-day supply of perishable foods, such as fresh milk, bread, eggs, fruits and vegetables adequate to provide for the number of residents accommodated in the ACF.
 - (2) The facility shall make available upon an individual resident's request, powdered milk for individual resident consumption. Powdered milk shall not be used as a substitute for fresh milk for all other residents.
 - (3) When home canned products are used in preparation of resident meals, the ACF shall label food containers with a minimum of the name of the food and date processed. Meal variety and resident food choices shall not be restricted due to the facility's efforts to use up certain home canning stocks.
- (D) The ACF shall ensure there is at least a four hour interval available between the scheduled breakfast meal and the scheduled mid-day meal and between the scheduled mid-day meal and the scheduled evening meal. There shall be no more than fourteen hours between the evening meal and the breakfast meal. The specific time of meals may take into consideration resident's preferences.
- (E) The ACF shall ensure all food shall be procured, stored, prepared, distributed and served in a manner that protects it against contamination and spoilage from the time of procurement to consumption.
- (1) The ACF shall ensure all foods intended for resident consumption shall be wholesome, in sound condition free from spillage, filth, or other contamination, and shall be safe for human consumption. All foods, either in storage or in the preparation or kitchen area, shall be labeled to assure unmistakable identity.
 - (2) At all times, including storage, thawing, preparation, display, and transport, the ACF shall ensure food is protected from contamination, including dust, insects, rodents, unclean utensils, unnecessary handling, coughs and sneezes, hair, flooding, drainage and overhead leakage or dripping.
 - (3) The ACF shall ensure food stored in the refrigerator or freezer is properly wrapped, covered, or in a closed container.

- (F) Each ACF shall have a kitchen, equipment and facilities that are appropriate and adequate for preparing and serving meals to residents to the extent stated in the facility policy and specified in paragraph (B) of this rule. The ACF shall also provide a dining area, consistent with paragraph (C) of rule 5122-33-22 of the Administrative Code.
- (G) Each ACF shall have procedures in place that assure the kitchen area and dining area(s) are cleaned after each meal and that the following sanitation measures are observed and enforced in the facility:
- (1) The ACF shall provide hand washing facilities, including hot and cold water, soap and single use towels in the kitchen or any other food preparation area. All staff responsible for residents' food preparation or handling shall be instructed in proper hand washing techniques.
 - (2) The ACF shall provide and maintain clean and sanitary kitchen and dining areas and a clean and sanitary supply of eating and drinking utensils, pots, and pans for use in preparing, distributing, serving and eating meals and snacks;
 - (3) The ACF shall ensure that kitchen appliances and equipment shall be kept clean and free of food debris;
 - (4) Cloths provided by the ACF for wiping food spills in kitchenware and food preparation surfaces, and cloths, pads, or brushes supplied by the ACF and used for hand dish-washing shall be clean and used for no other purpose. These cloths shall be stored between uses.
 - (5) The ACF shall ensure that food scraps and trash are placed in garbage cans daily, or more often if needed. Non-disposable containers shall be cleaned frequently enough to maintain sanitary conditions. Disposable bags may be stored outside only in a non-absorbent container with a close-fitting cover. Liquid wastes resulting from compacting shall be disposed of as sewage.
 - (6) The ACF shall take measures to eliminate the presence of rodents, flies, cockroaches and other insects in the food preparation areas. The kitchen and other food preparation or storage areas shall be kept in such condition to prevent harborage or feeding of insects or rodents.
 - (7) The ACF shall maintain the kitchen area free of poisonous and toxic materials other than those necessary for maintaining the operations, cleaning and sanitizing of kitchen equipment and utensils or for controlling insects or rodents in the food areas.

- (H) The facility shall ensure all equipment, utensils, kitchenware, tableware and surfaces upon which food comes in contact while in preparation, including but not limited to, counter tops, cutting boards and thawing trays shall be easily cleanable. Single use containers shall not be reused, whether or not they are cleaned.
- (I) The facility shall observe, supervise and assist a resident in consuming meals if the resident requests or needs such services.
- (J) The facility shall ensure that food texture is appropriate to the individual needs of each resident or as may be required for that resident by a physician or licensed dietitian.
- (K) ACF staff shall not administer tube or syringe feedings or parenteral nutrition. Such care may be provided in the facility only in accordance with provisions in rule 5122-33-17 of the Administrative Code.
- (L) A licensed ACF shall not be required to be licensed as a food service operation under Chapter 3717. of the Revised Code unless the facility is preparing food under one or both of the following conditions:
 - (1) An ACF preparing food for the residents of two or more licensed ACFs with a combined resident census exceeding sixteen residents shall be licensed as a food service operation by the appropriate licensor as defined by section 3717.01 of the Revised Code unless otherwise exempt.
 - (2) Any ACF preparing food for consumption by residents at a second ACF or multiple off-premise locations shall be licensed as a food service operation by the appropriate licensor defined by section 3717.11 of the Revised Code, unless otherwise exempt.
- (M) ACF staff shall ensure meals prepared in one ACF food preparation area for transport or distribution to another area will be transported in a safe and sanitary manner to prevent contamination.
- (N) Meals intended for consumption by residents of an ACF in that facility, but not prepared in that facility, shall be obtained by ACF staff only from a source licensed as a food service operation under Chapter 3717. of the Revised Code.
- (O) ACFs not required to be licensed as a food service operation in accordance with paragraph (L) of this rule shall comply with standards set forth herein for food procurement and protection to include storage, preparation, display and handling.

Effective:

Five Year Review (FYR) Dates: 01/20/2017

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5119.34
Rule Amplifies: 5119.34
Prior Effective Dates: 5-6-1991 (Emer.), 8-4-1991, 6-17-2001, 6-1-2006,
10-1-2010, 2/17/2012