

## TO BE RESCINDED

173-4-02                    **Eligibility criteria.**

(A) A person may participate in a congregate nutrition program if:

- (1) The person is at least sixty years of age;
- (2) The person is the spouse of an eligible person, regardless of age or abilities;
- (3) The person provides volunteer services during meal-preparation hours or meal-service hours and only receives a meal (and not any other nutrition-related services of the congregate nutrition program);
- (4) The person is a guest who is otherwise ineligible to participate in a congregate nutrition program and who pays the provider for the provider's actual contracted unit cost of the meal; or,
- (5) The person is a staff member who is otherwise ineligible to participate in a congregate nutrition program and who pays the provider's suggested donation or pays a rate mutually agreed upon by the provider and the AAA.

(B) A person may participate in a home-delivered nutrition program if:

- (1) The person is at least sixty years of age and meets the following criteria:
  - (a) The person is unable to prepare his/her own meals;
  - (b) The person is unable to participate in a congregate nutrition program because of physical or emotional difficulties; and,
  - (c) The person lacks another meal support service in the home or the community.
- (2) The person is the spouse of an eligible person, regardless of age or abilities, who lives in the home of the eligible person;
- (3) The person provides services during meal-preparation hours or meal-delivery hours and only receives a meal (and not any other nutrition-related services of the home-delivered nutrition program); or,
- (4) The person is a guest who is otherwise ineligible to participate in a

home-delivered nutrition program and who pays the provider for the provider's actual contracted unit cost of the meal; or,

- (5) The person is a staff member who is otherwise ineligible to participate in a home-delivered nutrition program and who pays the provider's suggested donation or pays a rate mutually agreed upon by the provider and the AAA.
- (C) The AAA shall establish procedures that allow providers of a congregate or home-delivered nutrition program the option to offer a meal to the following persons with disabilities:
- (1) A person who is less than sixty years of age and is a person with a disability who resides in a facility that is primarily occupied by residents who are at least sixty years of age at which a congregate nutrition program or home-delivered nutrition program is provided; or,
  - (2) A person with a disability who resides in a home with another person who is eligible to participate in a home-delivered nutrition program.

Effective:

Five Year Review (FYR) Dates: 04/18/2016

---

Certification

---

Date

Promulgated Under: 119.03  
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)  
Rule Amplifies: 173.392, Sections 336 and 339 of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006.  
Prior Effective Dates: 03/05/2009, 04/22/2010