

173-4-05.2

**Older Americans Act nutrition program: home-delivered meals projects.**

In every AAA-provider agreement for a home-delivered meals project 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) Delivery:

(1) Availability:

(a) Per-meal delivery:

- (i) To consumers who choose to receive per-meal deliveries and require meals on five or more days per week, the provider shall deliver at least one meal per day for five or more days per week.
- (ii) To consumers who choose to receive per-meal deliveries, but do not require meals on five or more days per week, the provider shall deliver at least one meal per day on days that the consumer requires meals.

(b) Periodic delivery: To consumers who choose periodic deliveries, in the AAA-provider agreement, the AAA shall not prohibit the provider from, in one delivery, delivering meals to cover multiple mealtimes.

(c) State of emergency: During a state of emergency declared by the governor, the provider may, in one delivery, deliver meals to cover multiple mealtimes for consumers who received meals before the state of emergency by per-meal delivery or periodic delivery.

- (2) Successful deliveries: The provider shall only deliver meals to the consumer's home when the consumer, or the consumer's caregiver, is home, unless otherwise authorized by the AAA.

(C) Emergency closings: The provider shall develop and implement written contingency procedures for emergency closings due to short-term weather-related emergencies, loss of power, kitchen malfunctions, natural disasters, a state of emergency declared by the governor, etc. In the procedures, the provider shall include the following:

- (1) Providing timely notification of emergency situations to consumers; and,
- (2) Either the distribution of:
  - (a) Information to consumers on how to stock an emergency food shelf; or,
  - (b) Shelf-stable meals to consumers for an emergency food shelf.

(D) Quality assurance:

- (1) Each year, the provider shall implement a plan to evaluate and improve the effectiveness of the project's operations and services to ensure continuous improvement. In the plan, the provider shall include a review of the existing project; modifications the provider made to respond to changing needs or interest of consumers, staff, or volunteers; and proposed improvements.
- (2) In the AAA-provider agreement, the AAA shall not prohibit a provider from using an electronic system to collect and retain the records showing compliance with the continuous-improvement requirements in this rule.

(E) Delivery verification:

- (1) The provider shall verify each meal delivery for which it bills the AAA using either an electronic or manual system. Regardless of the system used, the provider shall collect all the following information:
  - (a) Consumer's name.
  - (b) Delivery date.
  - (c) Number of meals delivered.
  - (d) An A unique identifier unique to of the consumer, the consumer's caregiver, or the delivery person.

~~(2) The identifier in paragraph (E)(1)(d) of this rule may be a handwritten or electronic signature or initials, a fingerprint, a mark, a stamp, a password, a bar code, or a swipe card.~~

~~(3) The identifier in paragraph (E)(1)(d) of this rule shall serve as an attestation that delivery was made as indicated by the system.~~

~~(4)~~(2) In the AAA-provider agreement, the AAA shall not require the provider to use a particular system. Use of either system is acceptable.

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

Effective:

Five Year Review (FYR) Dates: 10/16/2020

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Certification

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Date

Promulgated Under: 119.03

Statutory Authority: 121.07, 173.01, 173.02, 173.392; 42 U.S.C. 3025; 45  
C.F.R. 1321.11

Rule Amplifies: 173.39, 173.392; 42 U.S.C. 3025, 3030e, 3030g-21; 45  
C.F.R. 1321.11, 1321.65

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(Emer.)