

173-4-05

Older Americans Act nutrition program: nutrition projects.

- (A) In every AAA-provider agreement for a nutrition project paid, in whole or in part, with Older Americans Act funds, the AAA shall include the following requirements:
- (1) General requirements: 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) Project types:
 - (a) If the AAA-provider agreement is for a congregate dining project, the AAA shall include the requirements in rule 173-4-05.1 of the Administrative Code in the AAA-provider agreement.
 - (b) If the AAA-provider agreement is for a home-delivered meals project, the AAA shall include the requirements in rule 173-4-05.2 of the Administrative Code in the AAA-provider agreement.
 - (c) If the AAA-provider agreement is for a congregate dining project based in restaurants and grocery stores, the AAA shall include the requirements in 173-4-05.3 in the AAA-provider agreement.
 - (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 provider shall offer in-person nutrition health screening to consumers at least annually. In a state of emergency declared by the governor, the provider may offer the nutrition health screening by telephone, video conference, or in person.
 - (b) In the AAA-provider agreement, the AAA shall indicate if the provider shall offer nutrition counseling or nutrition education to consumers.
 - (c) In the AAA-provider agreement, the AAA shall indicate if the provider shall offer grocery shopping assistance or grocery ordering and delivery to consumers.
 - (5) Eligibility verification: The provider shall determine the eligibility of each consumer in person before paying for their meals, in whole or in part, with Older

Americans Act funds. During a state of emergency declared by the governor, the provider may verify eligibility by telephone, video conference, or in person.

(6) Consumer contributions: The provider shall comply with rule 173-3-07 of the Administrative Code.

(7) Person direction:

(a) In the AAA-provider agreement, the AAA shall require the provider to 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, the provider is only required to provide the person direction the provider pledged to provide to the extent practicable during the state of emergency.

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

(8) Menus:

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

(b) Ingredients: In the AAA-provider agreement, the AAA shall indicate the method by which the provider shall offer ingredient information on the meals provided to consumers.

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

(9) Nutritional adequacy:

(a) For each mealtime, the provider shall offer meals that satisfy at least one-third of the dietary reference intakes (DRIs). The provider shall target nutrient levels based 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 ~~http://fnic.nal.usda.gov/~~ https://www.nal.usda.gov/fnic/dietary-reference-intakes.

(b) For each mealtime, the provider shall offer meals that follow the "2015-2020 Dietary Guidelines for Americans." The federal government publishes the guidelines for the general public free of charge on ~~http://www.health.gov/dietaryguidelines~~ https://health.gov/our-work/food-nutrition.

- (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, preferences, and medically-tailored meals.
- ~~(c) In the AAA-provider agreement, the AAA shall not prohibit the provider from adjusting the nutritional adequacy requirements for meals in paragraphs (A)(9)(a) and (A)(9)(b) of this rule, to the maximum extent practicable, to meet any special dietary needs of consumers.~~
- (d) In the AAA-provider agreement, the AAA shall not limit the provider's flexibility in designing meals that are appealing to consumers.
- (e) In the AAA-provider agreement, the AAA shall not prohibit the provider from using either nutrient analysis or menu patterns to determine nutritional adequacy.
- (10) Diet orders: If the AAA-provider agreement requires the provider to offer consumers therapeutic diets, medical food, or food for special dietary use, the provider shall comply with the additional requirements in rule 173-4-06 of the Administrative Code.
- (11) Dietary supplements: The provider shall not pay for multi-vitamins or mineral supplements, in whole or in part, with Older Americans Act funds.
- (12) Food safety:
- (a) In the AAA-provider agreement, 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) In the AAA-provider agreement, the AAA shall indicate that it 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-continuing-education in-service training.

- (i) Orientation: The provider shall assure that each employee, including each volunteer, who participates in meal preparation, handling, or delivery receives orientation on topics relevant to the employee's job duties before the employee performs those duties.
 - (ii) ~~Continuing education:~~ In-service training: The provider shall assure that each employee, including a volunteer, who participates in meal preparation, handling, or delivery completes ~~continuing education~~ in-service training each year on topics relevant to the employee's job duties.
- (b) The provider shall make, and retain, a written record of each employee's completion of orientation and ~~continuing education~~ in-service training. The record shall include the topics covered during the orientation and ~~continuing education~~ in-service training.
- (c) During a state of emergency declared by the governor, the provider is not responsible for complying with paragraphs (A)(13)(a)(i) or (A)(13)(a)(ii) of this rule.

(B) Units:

- (1) Congregate dining project: A unit equals 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 equals 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 equals one meal provided in compliance with this rule and rule 173-4-05.3 of the Administrative Code.

Effective: 10/29/2020
Five Year Review (FYR) Dates: 8/14/2020 and 10/29/2025

CERTIFIED ELECTRONICALLY

Certification

10/19/2020

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. 3030c-2, 3030e, 3030f, 3030g-21
Prior Effective Dates: 03/23/2009, 08/23/2012, 09/01/2016, 06/11/2020 (Emer.)