

## SUBCHAPTER 06K – NUTRITION SERVICES

### SECTION .0100 – SCOPE OF SERVICE

#### 10A NCAC 06K .0101 DEFINITION OF CONGREGATE AND HOME-DELIVERED MEALS

(a) A congregate meal is a hot or cold nutritionally balanced meal that meets one-third of the current daily recommended dietary allowance (as recommended by the Food and Nutrition Council) served in strategically located centers such as schools, churches, community centers, senior centers, and other public or private facilities where older persons can obtain other social and rehabilitative services. Besides promoting better health among the older segment of the population through improved nutrition, such a program is aimed at reducing the isolation of old age and offering older person the opportunity to live their remaining years in dignity.

(b) A home-delivered meal consists of a hot, cold, frozen, dried, canned or supplemental food, that meets one-third of the current NRC daily recommended dietary allowance served in the home to a home-bound older person. Such a program is aimed at promoting better health among the older segment of the population through improved nutrition and at keeping the individual in his or her own home rather than in an institution by providing the opportunity to achieve greater independence in meal preparation and the activities of daily living.

*History Note: Authority G.S. 143B-10; 143B-138; 45 C.F.R., Chapter XIII, Part 1321; Eff. October 1, 1980; Amended Eff. November 1, 1993; April 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

### SECTION .0200 – SERVICE PROVISION

#### 10A NCAC 06K .0201 STAFFING

Staffing requirements for nutrition service providers shall be:

- (1) Each nutrition service provider that receives Home and Community Care Block Grant funds shall make arrangements for a qualified dietitian or nutritionist to certify the menu. A qualified dietitian or nutritionist is a licensed dietitian/nutritionist as defined in G.S. 90-350.
- (2) The nutrition service provider shall provide staff to operate the program including a nutrition program director and, if funded for congregate nutrition, a site manager.
- (3) The nutrition program director must be empowered with the authority necessary to conduct the day-to-day management and administrative functions.
- (4) The site manager may be paid from Home and Community Care Block funds for no more than four hours per day.
- (5) Nutrition service providers shall recruit, orient, train, and supervise volunteers to assist in nutrition program services and activities.
- (6) Training Requirements:
  - (a) Nutrition program directors must complete within 12 months of employment at least 15 hours of instruction in food service sanitation practices.
  - (b) Within 12 months of employment the nutrition program director must participate in training on Nutrition Program Management arranged by the Division of Aging.
- (7) The following staff shall have knowledge of the following:
  - (a) Nutrition Program Directors: administration procedures, record keeping systems, reporting, food safety, food service.
  - (b) Site Manager: (for Congregate Nutrition Sites) site operations, site records, community resources and methods of referrals, food safety, and food portioning.
  - (c) Volunteers: site procedures for specific volunteer activities.
  - (d) All staff: aging process and fire/disaster evacuation.

*History Note: Authority G.S. 143B-10; 143B-138; 143B-181.1 (c); 45 C.F.R., Chapter XIII, Part 1321; Eff. October 1, 1980; Amended Eff. July 1, 2003; November 1, 1993; April 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

## **10A NCAC 06K .0202 FOOD PREPARATION AND SAFETY REQUIREMENTS**

All congregate and home delivered meal nutrition services providers shall meet the following requirements, in addition to those specified in the federal regulations:

- (1) Food Preparation.
  - (a) Each nutrition provider must abide by food safety and sanitation practices required in the "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" (15A NCAC 18A .2600).
  - (b) All staff working in the preparation of food shall be under the supervision of a person who shall insure the application of hygienic techniques and practices in food handling, preparation and service. This supervisory person shall consult with the nutrition service provider's dietitian for advice and consultation as necessary.
  - (c) Recipes adjusted to yield the number of servings needed shall be used to achieve a consistent quality and quantity of meals.
  - (d) All foods shall be prepared and served in a manner to present optimum flavor and appearance, while retaining nutrients and food value.
- (2) Home-delivered Meal Packaging and Packing Standards.
  - (a) All meals packaged at nutrition sites for home delivery shall be individually packaged first (before congregate meals are served) and packed in secondary insulated food carriers with tight fitting lids and transported immediately.
  - (b) All home-delivered meals pre-plated at food preparation centers shall be individually packaged and packed in secondary insulated food carriers with tight fitting lids and transported immediately.
  - (c) Only divided containers with air-tight seals shall be used for hot food. Bread shall not be placed on top of other food.
  - (d) Cold and hot food shall be packaged and packed separately.
  - (e) Individual containers with tight-fitting coverings shall be used for all cold food. "Sandwich" type bags that can be sealed may be used for bread.
  - (f) All food delivery carriers must meet National Sanitation Foundation Standards (pursuant to the "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" at 15A NCAC 18A .2600) and must be sanitized daily by the food service provider.
- (3) Food Safety.
  - (a) All food shall be packaged and transported in a manner to protect against potential contamination including dust, insects, rodents, unclean equipment and utensils, and unnecessary handling. Packaging and transport equipment must maintain food temperatures that meet the requirements of the "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" (15A NCAC 18A .2600). Records of all temperature checks shall be kept on file for audit by the service provider.
  - (b) Nutrition service providers shall educate participants and all staff regarding the sources and prevention of foodborne illness.
  - (c) All nutrition providers and food preparation sub-contractors shall follow the "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" (15A NCAC 18A .2600) to maintain a Grade A sanitation rating.
  - (d) Food prepared, frozen, or canned in the home shall not be served at the site.
  - (e) Food from unlabeled, rusty, leaking, or broken containers or cans with side dents, rim dents, or swells shall not be used.
  - (f) All meat and poultry, fresh or frozen, used in the meals must be inspected by USDA, the N.C. Department of Agriculture and Consumer Services, or other states' agencies having regulatory authority, from Federally or State inspected plants, and must bear inspection stamps on the box or package.
  - (g) All foods used in the meals must be from sources approved by USDA, FDA, the N.C. Department of Agriculture and Consumer Services, or other states' agencies having regulatory authority; be in compliance with applicable state and local laws, ordinances, and regulations; and be clean, wholesome, free from spoilage, free from adulteration and mislabeling, and safe for human consumption.

- (h) Fresh raw fish must bear the PUF (Packed Under Federal Inspection) Shield.
- (i) Fresh fruits and vegetables free from disease and infestation may be donated and incorporated into their menu only when they can be used to serve all participants. Prior to use, all fruits and vegetables shall be washed to remove dirt or insecticide residues.
- (j) Food temperatures must be taken and recorded immediately before serving congregate meals. If warming equipment or refrigeration equipment is used to hold food prior to serving, then temperatures also must be taken and recorded at the time of food delivery. Food temperatures shall be recorded by the name of each specific food item. All temperature records must be maintained until audited.
- (k) Temperature checks shall be made at least one time per month on each home-delivered meal route to document that food temperatures meet the "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" (15A NCAC 18A .2600).
- (l) The area where meals are handled or served must be kept clean and in good repair.

*History Note: Authority G.S. 143B-10; 143B-138; 143B-181.1(c); 45 C.F.R., Chapter XIII, Part 1321; Eff. October 1, 1980; Amended Eff. July 1, 2003; November 1, 1993; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

### **10A NCAC 06K .0203 MENU PLANNING REQUIREMENTS**

(a) Agencies providing congregate nutrition or home delivered meal services must comply with the following menu planning requirements:

- (1) Each meal served shall contain at least one-third of the current daily Recommended Dietary Allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences. If a nutrition program provides additional meals, then the nutrient analysis of the combined food items may be used to document that at least two-thirds of the Recommended Dietary Allowances have been provided for two meals per day or 100% of the Recommended Dietary Allowances for three meals per day, rather than each individual meal providing one-third of the nutrients.
- (2) All foods must be identified on the menu in order to calculate nutrient value.
- (3) The calorie content must be at least 700 calories per meal.
- (4) The sodium content shall not exceed 1,300 mg per meal.
- (5) Recipes for all foods used in combination must be supplied to the person responsible for certifying the menu to facilitate nutrient analysis. When recipe ingredients are changed, the recipe must be re-submitted for approval by the licensed dietitian/nutritionist.
- (6) All prepared or breaded meat items or meat in combination must be specified on the menu.
- (7) The form of vegetable or fruit used (fresh, frozen, dried, or canned) must be indicated on the menu for nutrient analysis.

(b) Menu Requirements

- (1) All menus shall be written at least 20 days in advance of the meal and shall be certified by a licensed dietitian/nutritionist to assure the menus provide one-third of the current Recommended Daily Allowances.
- (2) All regular menus shall be submitted to the dietitian/nutritionist for review and approval at least two weeks prior to use.
- (3) The approved menus shall be kept on file, with any changes in writing, for at least one year by the service provider.
- (4) At least one hot or cold nutritious meal shall be provided daily at least five days a week. Frozen, canned, dehydrated, or nutritional supplement products may also be used for emergency situations and additional or weekend meals. All frozen meals shall be dated with the delivery dates.
- (5) Menus with serving dates must be posted in a conspicuous location in each congregate meal site as well as each preparation area.
- (6) All menus shall be adhered to subject to seasonable availability of food items as well as availability of USDA donated food.

(c) Therapeutic Diet Standards.

- (1) Prior to serving a therapeutic diet, a physician's prescription written according to the guidelines in the current North Carolina Dietetic Association Diet Manual shall be on file with the nutrition service provider.
  - (2) Each therapeutic diet prescription shall be re-ordered in writing by the physician every six months. Menus for each type of therapeutic diet must be written by a qualified dietitian/nutritionist. Menus for the therapeutic diets shall follow the standard set forth in the North Carolina Dietetic Association Diet Manual. These menus shall remain on file for at least one year.
- (d) Each food group and amount of the following "Menu Pattern" shall be offered and must be available to be served to each participant.

<u>MENU PATTERN FOOD GROUP</u>	<u>AMOUNT</u>
Meat/Meat Alternative	2 ounces cooked, edible portion or equivalent
Bread/Grains	2 servings
Vegetables/Fruits	2 servings
Fats	total fat not to exceed 30% of total calories per meal
Dairy	1 serving

- (1) Meat/Meat Alternative Group.
  - (A) The total protein content of each meal must be no less than 21 grams. Of this, 14 grams must be a "complete protein" in the form of 2 oz. edible meat, fish or poultry, exclusive of fat, bone, or gristle. One-half cup cooked drained dried beans, peas or lentils may be used as a substitute for 1 oz. of meat. One cup of dried beans may be used as a substitute for 2 oz. meat; however, a "complementary" protein source must be served at the same meal with the one cup dried beans in order to serve a complete protein (i.e., rice, corn, or cornbread). Other protein sources such as one egg or two tablespoons peanut butter may also be substituted for 1 oz. meat.
  - (B) Ground meat may be used in entrees no more than twice in one week. Casseroles or other mixed dishes must have ingredients specified on the menu to facilitate nutrient analysis.
- (2) Bread/Grains Group. Each meal shall contain two servings of a whole grain or enriched grain product.
- (3) Vegetable/Fruit Group.
  - (A) Each meal must contain two servings of different fruits and vegetables. When salad is served, it must be placed in a separate compartment of a compartmental tray to avoid mixing with other foods or served in a separate salad bowl. Juice may fulfill no more than half of the vegetable/fruit requirement for any one meal.
  - (B) One serving of vitamin C-rich food must be served twice per week. The USDA Food Values Handbook lists all foods containing Vitamin C.
- (4) Fat Group. Total fat shall not exceed 30% of the total calories per meal. One teaspoon of butter or fortified margarine in an individual covered package chip or container may be used if it adds palatability to the menu. The menu must identify whether gravy, salad dressing, mayonnaise, margarine or butter is used when served.
- (5) Dairy Group. Each meal must contain a total of no less than 400 mg. calcium. This may be obtained by one serving of 8 ounces of whole, low fat, skim, buttermilk, chocolate (not chocolate drink), sweet acidophilus milk, or Ultra High Temperature (UHT) milk, fortified with vitamins A & D in an individually sealed carton, or other foods.

*History Note: Authority G.S. 143B-181.1(c);  
 Eff. November 1, 1993;  
 Amended Eff. July 1, 2003;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

**10A NCAC 06K .0204 ELIGIBILITY FOR SERVICE**

- (a) Congregate Nutrition Program.
  - (1) Target Population.

- (A) Congregate nutrition services shall be available to persons 60 years of age and older and their spouses, regardless of age. Spouses under the age of 60 are eligible for services when the person 60 and over is receiving nutrition services.
  - (B) Area Agencies on Aging shall establish written procedures that will also allow congregate nutrition programs the option to offer a meal, on the same basis as meals are provided to persons 60 years of age and older, to individuals providing volunteer services during the meal hours and to individuals with handicaps or disabilities who have not attained 60 years of age but who reside with an eligible older adult or reside in housing facilities occupied primarily by the elderly at which congregate nutrition services are provided. Disability status shall be verified by reviewing a notice of disability benefit award. Nutrition service providers shall maintain a current copy of the notice of benefit award for each person served.
  - (2) Service Priority. Priority shall be given to serving:
    - (A) Individuals who have been abused, neglected, or exploited as substantiated by the county department of social services and for whom the service is needed as part of the adult protective services plan;
    - (B) Individuals who are at risk of abuse, neglect, or exploitation because of a decline in mental or physical functioning;
    - (C) Individuals who are health impaired and who are in need of nutritional supports, or those older persons whose independent living arrangements do not provide facilities adequate for meal preparation.
  - (3) Ineligible Persons.
    - (A) Eligibility for the service is restricted to those persons whose dietary needs can be met by the meals available through the program as outlined in Rule .0203 of this Section.
    - (B) Persons residing in long term care facilities and persons enrolled in a care-providing program or a facility, including an adult day care or adult day health care program in which a meal is provided, are not eligible. Persons who meet eligibility criteria who are enrolled in care providing programs including adult day care or adult day health care programs are eligible to receive congregate meals on the days they do not participate in such programs.
- (b) Home Delivered Meals.
- (1) Target Population.
    - (A) Home delivered meals shall be available to persons 60 years of age and older who are physically or mentally unable to obtain food or prepare meals, who have no responsible person who is able and willing to perform this service, and who are unable to participate in the congregate nutrition program because of physical or mental impairment. The spouse of an eligible older person is also eligible to receive a home delivered meal if one or the other is homebound by reason of illness or incapacitating disability.
    - (B) Area Agencies on Aging shall establish procedures that will allow home delivered meals programs the option to offer a meal, on the same basis as meals are provided to persons 60 years of age and older, to individuals providing volunteer services during the meal hours and to individuals with disabilities who reside at home with an eligible older adult. Disability status shall be verified by reviewing a notice of disability benefit award.
    - (C) Where a family caregiver is caring for an eligible homebound older person, the family caregiver is also eligible to receive a meal.
  - (2) Service Priority. Priority shall be given to serving:
    - (A) Individuals who have been abused, neglected, or exploited as substantiated by the county department of social services and for whom the service is needed as part of the adult protective service plan;
    - (B) Individuals who are at risk of abuse, neglect, or exploitation because of a decline in mental or physical functioning;
    - (C) Individuals who do not have a caregiver or another responsible party available to assist with care; and
    - (D) Individuals who experience impairment in performance of activities of daily living (ADL) and instrumental activities of daily living (IADL) as defined in 10A NCAC 05G .0301.
  - (3) Ineligible Persons. Eligibility for the service is restricted to those persons whose dietary needs can be met by home delivered meals available through the program as outlined in Rule .0203 of this Section.

Persons residing in long term care facilities and persons enrolled in a care-providing program or a facility, including an adult day care or adult day health care program in which a meal is provided, are not eligible. Persons who meet eligibility criteria who are enrolled in care providing programs or adult day care or adult day health care programs are eligible to receive home delivered meals on the days they do not participate in such programs.

*History Note: Authority G.S. 143B-181.1(c);  
Eff. November 1, 1993;  
Amended Eff. July 1, 2003;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

#### **10A NCAC 06K .0205 ADMINISTRATION REQUIREMENTS**

Agencies providing Congregate and Home Delivered Meal nutrition services shall:

- (1) Apply for authorization to accept food stamps as contributions at the nearest Field Office of the Food and Nutrition Service, USDA.
- (2) Assure that all provisions relating to the use and handling of USDA issued food stamps as prescribed by federal, state, and local agencies responsible for administering the food stamp program are met.
- (3) Maintain records documenting service activities which shall include:
  - (a) Client registration forms;
  - (b) Unit of service records;
  - (c) Service cost sharing records;
  - (d) Diet prescriptions for each therapeutic diet served;
  - (e) Meal delivery tickets if food preparation is sub-contracted or similar documentation of meals prepared, meals served, and meals unserved; and
  - (f) Employment records including equal opportunity employment goals and outcomes.
- (4) Comply with all regulations related to donated USDA food and cash reimbursement. Disbursements of cash in lieu of commodities shall only be used by grant recipients and contractors to purchase U.S. agricultural commodities and other foods for their nutritional projects.
- (5) Submit client records and units of service reports for reimbursement on a regular basis. Correct errors when they are identified.
- (6) Maintain confidentiality of all participant records.
- (7) Operate five days per week, 52 weeks per year, except for holidays designated by the county or state or during emergency situations. Participants shall be notified in writing of designated holidays.
- (8) Inform participants of agency procedures governing the provision of service, confidentiality, waiting lists, service priorities, complaints and grievances, and other matters germane to the participant's decision to accept service.
- (9) Congregate requirements:
  - (a) Have a site director who is responsible for activities at the site;
  - (b) Make provisions necessary for the service of meals to eligible handicapped individuals with limited mobility;
  - (c) Meet all local and state fire codes and building code requirements;
  - (d) Meet all local and state sanitation codes adopted in accordance with 15A NCAC 18A .2600;
  - (e) Be located in areas as close as feasible to the majority of eligible individuals' residences;
  - (f) Update client registration information for each client at least annually;
  - (g) Develop emergency plans for each site for medical emergencies and for evacuation in case of fire or explosion. Conduct fire drills at least quarterly during hours of site operation; and
  - (h) Have a written plan which describes procedures to be followed in case a participant becomes ill or is injured. The plan shall be explained to staff, volunteers, and participants and shall be posted in at least one visible location in each nutrition site.
- (10) Home-delivered requirements:
  - (a) Conduct an in-home assessment in writing within seven working days of acceptance of referral;
  - (b) Notify a participant in writing of his/her eligibility or ineligibility for home delivered meals within 10 working days of assessment;

- (c) Conduct a written reassessment of each home-delivered meal participant every six months, except those on temporary home delivered meal status;
- (d) Establish in writing the area to be served by the Home Delivered Meals program;
- (e) Ensure that each home delivered meal route maintains food delivery temperatures that meet the requirements of "Rules Governing the Sanitation of Restaurants and Other Food Handling Establishments" (15A NCAC 18A .2600);
- (f) Deliver meals only to an eligible person residing in a home setting and only when they are received by an individual; and
- (g) Establish written agency procedures for reporting changes in participant eligibility.

*History Note: Authority G.S. 143B-181.1(c);  
Eff. November 1, 1993;  
Amended Eff. July 1, 2003;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

### **10A NCAC 06K .0206 PROHIBITED ACTIVITIES**

- (a) Funds shall not be used to purchase vehicles to deliver home delivered meals to participants.
- (b) Prohibited service activities:
  - (1) Medical treatment or medication shall not be provided or administered by program staff or volunteers.
  - (2) Financial transactions except those related to service cost sharing shall not be carried out by program staff or volunteers.
  - (3) Unapproved meals may not be provided to participants.
  - (4) Gifts from participants may not be accepted by program staff or volunteers.
  - (5) Meals shall not be provided to residents of long term care facilities, guests, ineligible handicapped persons under age 60, adult day care or adult day health care participants, and paid staff under age 60 without reimbursement of the full cost of the meal. Participants in adult day care or adult day health care programs are eligible for nutrition services on the days they do not attend day care or day health care programs.
  - (6) Therapeutic diets may not be served unless a physician's order is on file and the nutrition program has the capability to provide the service.
  - (7) Except on an emergency basis, nutrition site(s) shall not be closed or combined on a temporary or permanent basis without the prior written approval of the Area Agency on Aging Administrator assuring that options for maintaining services for participants have been considered.

*History Note: Authority G.S. 143B-181.1(c); 42 U.S.C. 3027;  
Eff. November 1, 1993;  
Amended Eff. July 1, 2003;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*