

Attachment 7 a

Section 6654.11 Nutrition provider responsibilities

(a) Each congregate nutrition provider shall:

- (1) provide hot or other appropriate meals in a congregate setting at least once a day, five or more days a week;
- (2) post-evacuation procedures in a convenient and accessible location and conduct drills on a regularly scheduled basis;
- (3) maintain and have available at each site, a written plan describing procedures to be followed in the event a participant becomes ill or is injured, and assure that all staff and volunteer personnel are familiar with and follow the prescribed procedures;
- (4) to the maximum extent feasible, have space available for supportive services which protects the privacy of individual participants;
- (5) assess the need for home-delivered meals or the provision of home-delivered meals instead of congregate meals, among participants at its congregate sites; and
- (6) maintain an adequate number of qualified and trained staff to meet the needs of the participants and the nutrition program goals.

(b) Each home-delivered meals provider(s) shall:

- (1) provide meals to participants whose need for such service has been assessed or reassessed based on criteria established by the office and promulgated by program instructions 90-PI-26, 97-PI-1 and 97-PI-20;
- (2) provide for home-delivered meals at least once a day, five or more days a week, as needed by participants. Meals may, according to criteria prescribed by the office, be hot, cold, frozen, dried, canned or supplemental foods with a satisfactory storage life;
- (3) with the consent of the elderly person or his or her representative, alert the area agency to conditions or circumstances which may endanger the elderly person or household; and
- (4) where feasible, make arrangements for the availability of meals to elderly people in weather-related emergencies.

(c) Each nutrition provider shall follow appropriate procedures to preserve nutritional value and food safety, including compliance with all State and local health laws and ordinances, and the office standards concerning the purchase, preparation, handling, serving and service delivery of food.

(d) Where feasible and appropriate, each nutrition provider shall provide special menus to meet particular dietary needs arising from health requirements, religious requirements, or ethnic backgrounds of eligible meals, considering:

- (1) whether there are sufficient people needing the special menus to make their preparation practical; and
- (2) whether the foods and skills necessary to provide the special menus are available in the area.

(e) Each nutrition provider shall make adequate provision to accommodate the needs of elderly individuals with

handicaps or limited mobility, and have available for use upon request appropriate food containers and utensils for blind and handicapped participants.

(f) Each home-delivered meal provider shall ensure that home-delivered meals:

(1) comply with the Dietary Guidelines for Americans , Fourth Edition (1995) published by the Secretary of Health and Human Services and the Secretary of Agriculture; and

(2) provide to each participating older individual the following percentages of the daily Recommended Dietary Allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences and published in Recommended Dietary Allowances, 10th Edition, National Academy Press, Washington, D.C. (1989):

(i) a minimum of $33 \frac{1}{3}$ percent of the daily recommended dietary allowances if the provider provides one meal per day;

(ii) a minimum of $66 \frac{2}{3}$ percent of the daily recommended dietary allowances if the provider provides two meals per day; and

(iii) 100 percent of the daily recommended dietary allowances if the provider provides three meals per day.

(g) Each nutrition provider shall accept and use appropriate United States Department of Agriculture food, cash, or a combination of food and cash made available by the office through area agencies, based on the provider's proportion of the total number of qualifying meals served in New York State, and must:

(1) assure appropriate and cost-effective transportation, storage and use of such food; or

(2) spend such cash only for buying United States agricultural commodities and other United States food.

(h) Each nutrition provider must assist participants in taking advantage of available benefits under other nutrition-related programs such as the food stamp program and must coordinate activities with agencies responsible for administering the food stamp program.

(i) Each nutrition provider shall have written policies and procedures concerning all aspects of the program including:

(1) personnel, organizational structure and staff functions, orientation and training;

(2) program monitoring, assessment and reporting;

(3) meal service, delivery and other operational/management components, and food and equipment security and site agreements; and

(4) client eligibility and targeting, contributions policies, and participant input on service design and provision.

(j) All nutrition providers must maintain records related to:

(1) a registry of participants and information concerning any special needs;

(2) the number and cost of home-delivered and congregate meals served;

(3) any other records that may be required by SOFA;

(4) all records shall be retained for a period of six years; and

(5) records will be available for inspection by Federal, State and local officials as well as area agency staff at all

reasonable hours at a location agreed upon by the provider and the area agency.

(k) All nutrition providers shall obtain and keep in effect such insurance coverage as may be required by the office.

(l) All nutrition providers shall participate in nutrition surveillance activities in accordance with guidelines.