

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**173-4-04.1 Home-delivered meal program.**

(A) In addition to complying with the mandatory clauses for provider agreements described in rule 173-3-06 of the Administrative Code, a provider of a home-delivered meal program shall comply with the following requirements:

(1) Meal frequency: Each provider shall furnish at least one meal per day to each consumer that it serves on five to seven days per week. In rural areas where this frequency is not feasible, the provider may provide meals on a less-frequent basis, if ODA approves of the lesser frequency.

**Comment [ODA1]:** Section 336 of the Older Americans Act requires ODA to decide.

(2) Delivery:

(a) The provider shall only leave a meal with the consumer or the consumer's caregiver.

(b) The provider shall develop and implement procedures for assuring the safe delivery of meals.

(c) The provider shall use supplies and carriers for packaging and transporting meals that are appropriate for the length of the route.

(d) The provider may make arrangements with a consumer to deliver an additional meal so that the consumer may store the additional meal for consumption at an upcoming time if it is anticipated that he/she will not be home during an upcoming normal delivery time and, as a result, would otherwise have no meal.

(e) The provider may use a technology-based system (i.e., agency management technology) to schedule meal deliveries and to plan efficient delivery routes.

**Comment [ODA2]:** This is permissive language ("may," not "shall") that appears many places in this chapter as well as in Chapters 173-3 and 173-39 of the Administrative Code.

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

(4) Nutrition consultation and nutrition education: The provider shall furnish nutrition counseling, nutrition education, or both services to each consumer who is enrolled in the provider's home-delivered meal program.

The technology would help providers satisfy section 339(2)(C) of the Act, which says that ODA must ensure that a nutrition project "encourages providers to enter into contracts that limit the amount of time meals must spend in transit before they are consumed."

(5) Dating meals:

(a) Hot meals: The provider shall individually package each home-delivered meal that it intends to deliver as a hot meal. The provider shall label the meal with the month, day, and year that it prepared the meal and shall list the date immediately following the term "packing date" or "pack date," unless the provider uses a dating system that follows a widely-accepted industry standard for dating packaged food.

(b) Non-hot meals: The provider may individually package each component of a home-delivered meal that it does not intend to deliver as a hot meal if the provider labels each individual package with the month, day, and year before which the consumer should consume the individual package, and shall list the date immediately following the term "use before," unless the provider uses a dating system that follows a widely-accepted industry standard for dating packaged food. As used in this paragraph, "individual package" does not include a whole fruit (e.g., a fresh apple or banana) that may be a component of a non-hot meal, but that is not packaged.

**Comment [ODA3]:** This requirement also appears in the current version of rule 173-4-05.3, however, ODA proposes to migrate it to this rule.

(6) Meal temperatures during delivery: The provider shall use a time-and-temperature monitoring system to monitor the temperature of the meals that it delivers. The provider shall monitor the temperature of

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meals on each new route. Thereafter, the provider shall monitor the temperature of meals delivered in thermostatically-controlled meal-delivery vehicles at least monthly and meals delivered in other types of vehicles at least weekly. The provider shall retain records to verify that it complies with this paragraph.

Comment [ODA4]: New.

(7) Delivery vehicles and containers: The provider shall ensure that all meal-delivery vehicles and containers are safe and sanitary.

(8) Emergencies: 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, etc. In the procedures, the provider shall include:

(a) Providing timely notification of emergency situations to consumers; and,

(b) Either the distribution of:

(i) Information to consumers on how to stock an emergency food shelf; or,

(ii) Shelf-stable meals to consumers for an emergency food shelf.

(9) Staff training: The provider shall furnish an orientation and adequate training to each staff member, whether the staff member works as a paid employee or a volunteer. The provider shall furnish adequate training for each staff member to perform the duties that the provider assigns to the staff member. Using a protocol that the AAA establishes, the provider shall retain records to verify that each staff member successfully completed the training.

(10) Quality assurance: Each year, the provider shall implement a plan to evaluate and improve the effectiveness of the program's operations and services to ensure continuous improvement. In the plan, the provider shall include the following:

(a) A review of the existing program.

(b) Program modifications made that responded to changing needs or interests of consumers, staff, or volunteers.

(11) Service verification:

(a) For each meal delivery, the provider shall retain a record of the following:

(i) Consumer's name.

(ii) Delivery date.

(iii) Delivery time.

(iv) Number of meals in the delivery.

(v) Delivery person's signature or initials.

(vi) Consumer's signature. The AAA shall record the consumer's signature of choice in the consumer's service plan. The signature of choice may include a handwritten signature; initials; stamp or mark; or electronic signature.

(b) The provider may use a technology-based system (i.e., agency management technology) to collect or

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retain the records required under this rule.

(c) The provider shall retain all records that this rule requires the provider to retain according to rule 173-3-06 of the Administrative Code.

**Comment [ODA5]:** For every service that ODA regulates, including home-delivered meals under rule 173-39-02.14 of the Administrative Code, ODA requires a per-service verification that the goods or services were delivered. For meals, that meals that the meal was delivered. The congregate and home-delivered meals under rules 173-4-04 and 173-4-04.1 have been the exceptions. The proposed new rules will not contain any such exception.