

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

173-4-04.2 Restaurant and grocery meal service.

Comment [ODA1]: FOR RESCISSION.
Please see the proposed new version of the rule.

- (A) "Restaurant and grocery meal service" means a service that consists of administrative functions; meal production; and the provision of nutritious, safe, and appealing meals for eligible consumers who are at least sixty years of age; and the provision of the nutrition-related services described in rules 173-4-05 to 173-4-09 of the Administrative Code. The purpose of a the service is to promote health, to reduce risk of malnutrition, to improve nutritional status, to reduce social isolation, and to link older adults to community services.
- (B) Minimum requirements for a restaurant and grocery meal service:
- (1) Through an agreement with a restaurant or grocery, the provider or the AAA may provide a meal service from the restaurant or grocery to a consumer who is geographically isolated, to a consumer with religious or ethnic dietary needs, or to a consumer who needs meals at a time when the usual congregate nutrition program is not open, such as during mornings, evenings, or weekends, or to a consumer who needs a home-delivered meal, or as authorized by the AAA.
 - (2) Vouchers: The provider or the AAA may institute a system of issuing meal vouchers for congregate or home-delivered meals that a consumer may redeem at the restaurant or grocery so long as the provider or the AAA:
 - (a) Offers the vouchers to the eligible consumers while asking for a voluntary contribution;
 - (b) Keeps the consumer's level of the voluntary contribution in confidence;
 - (c) Provides instructions to the consumer on how to voluntarily contribute as little or as much as the consumer can afford; and,
 - (d) Clearly informs each consumer that he/she has no obligation to contribute and that the contribution is purely voluntary. It is the consumer who determines how much he/she is able to contribute toward the cost. The provider shall not deny a consumer a meal because the consumer does not contribute.
 - (3) Consumer identification: The provider or the AAA shall adopt one of the following three policies when providing a meal service through a restaurant or grocery:
 - (a) A policy that requires a consumer to register with the provider or the AAA to receive an identification card. When the consumer visits the restaurant or grocery store, the consumer may show the identification card to the designated staff person at the restaurant or grocery store to receive a prepared meal or to select a prepared meal from a menu of meals that meet the meal requirements established in rule 173-4-05 of the Administrative Code. The restaurant or grocery shall provide the consumer with the opportunity to voluntarily contribute to the cost of the meal;
 - (b) A policy that requires a consumer to register with the provider or the AAA to receive meal vouchers. At the time the vouchers are received, the provider or AAA shall provide the consumer with the opportunity to voluntarily contribute to the cost of the meal. When the consumer visits the restaurant or grocery store, the consumer shall provide a voucher to the designated staff person at the restaurant or grocery store to receive a prepared meal or to select a prepared meal from a menu of meals that meet the meal requirements established in rule 173-4-05 of the Administrative Code; or,
 - (c) A policy that requires the restaurant or grocery that has entered into an agreement with the provider or the AAA to verify that a new consumer is at least sixty years of age before providing a meal, to have each consumer sign in, to complete the required SAMS data, and to obtain a disclosure signature

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from the consumer. The restaurant or grocery shall regularly submit all required documentation to the AAA that identifies the individual consumers and the number of meals served to those consumers.

- (4) Menus: The restaurant or grocery shall only provide meals that:
- (a) Comply with the meal requirements and unit-of-service requirements under rule 173-4-05 of the Administrative Code;
 - (b) Are approved by a LD;
 - (c) Contain a meal substitution only if the substitution is approved by a LD; and,
 - (d) Include menus or food production menus that list serving sizes for each food item.
- (5) Food safety and sanitation:
- (a) The restaurant or grocery shall maintain documentation that all meals prepared by the restaurant or grocery comply with sections 918.01 to 918.31 of the Revised Code and Chapter 3717-1 of the Administrative Code, which is also known as "The State of Ohio Uniform Food Safety Code."
 - (b) The restaurant or grocery shall maintain appropriate licenses and demonstrate compliance with local health department inspections and Ohio department of agriculture inspections.
 - (c) No later than five calendar days after receipt of a critical citation issued by the local health department of the Ohio department of agriculture, the restaurant or grocery shall report to the provider or the AAA the critical citation and also a corrective action plan.
- (6) Food-borne illness:
- (a) The restaurant or grocery shall promptly notify the local health department when a person complains of an outbreak of food-borne illness.
 - (b) No more than two calendar days after the occurrence or receipt of a complaint of an outbreak of food-borne illness, the restaurant or grocery shall report the complaint to provider or the AAA.
- (7) Emergencies: The provider or the AAA shall distribute information to consumers on how to stock an emergency food shelf.
- (8) Staff training: Using a protocol established by the AAA, the restaurant or grocery shall maintain documentation of training provided to each staff member.
- (9) Nutrition consultation and nutrition education: The provider agreement shall determine whether it is the responsibility of the provider or the AAA to provide to each consumer enrolled in the home-delivered or congregate nutrition programs a nutrition consultation service under rule 173-4-06 of the Administrative Code, a nutrition education service under rule 173-4-07 of the Administrative Code, or both services.
- (10) Records: The provider shall develop and utilize a system for documenting meals served. Acceptable methods for documenting meals served include:
- (a) Maintaining a daily, weekly, or monthly attendance sheet for meals that is signed by the provider or a designee of the provider; or,

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(b) Maintaining receipt of the meal vouchers.

(11) Quality assurance: The provider or the AAA shall elicit comments from consumers on dining environments, food appearance, type of food, food temperatures, and staff professionalism.

(12) Definitions:

(a) "Grocery" has the same meaning as "retail food establishment" in rule 3717-1-01 of the Administrative Code.

(b) "Restaurant" has the same meaning as "food service operation" in rule 3717-1-01 of the Administrative Code.