

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

173-4-05.1 Meals and nutritional adequacy.

(A) For each mealtime, the provider shall offer a meal that satisfies a minimum of 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 planning and service area. The federal government makes the DRIs available to the general public free of charge on <http://fnic.nal.usda.gov/>.

Comment [ODA1]: ODA is proposing to use "offer" instead of "furnish" in this rule to make sense of the "flexibility" available to providers and AoA's FAQ page, which says that a consumer may refuse a particular meal item that the provider offers.

(B) For each mealtime, the provider shall offer a meal that satisfies the "2010 Dietary Guidelines for Americans." The federal government makes the guidelines available to the general public free of charge on <http://www.health.gov/dietaryguidelines>.

Comment [ODA2]: ODA states this to comply with the incorporation-by-reference statutes.

Comment [ODA3]: ODA states this to comply with the incorporation-by-reference statutes.

(C) A consumer may refuse to eat a particular meal item that the provider offers to the consumer, in which case the provider does not need to furnish the offered item to the consumer.

(D) The provider shall adjust the nutritional adequacy to meet consumers' special dietary needs.

Comment [ODA4]: From §339 of the Act.

(E) The provider may use flexibility in designing meals that are appealing to consumers.

Comment [ODA5]: The Act does not define special dietary needs, which means "needs" could be medical, perceived, or associated with a worldview (e.g., kosher diet, vegetarian diet).

Comment [ODA6]: From §339 of the Act.