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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

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TITLE 15 AGING SERVICES

CHAPTER 4 NEBRASKA AGING NUTRITION SERVICES

001. SCOPE AND AUTHORITY. These rules and regulations implement Nebraska Revised Statute (Neb. Rev. Stat.) §§ 81-2201 to 81-2227 (the Act) and the Older Americans Act of 1965 (OAA), Title III-A and Title III-C.

002. DEFINITIONS. Nutrition definitions are located in this Title, Chapter 1.

003. GENERAL AREA AGENCY ON AGING REQUIREMENTS.

003.01 REQUIREMENTS. An Area Agency on Aging nutrition program must:

- (A) Provide meal services at locations and according to the frequency as prescribed by the State Unit on Aging and the Older Americans Act of 1965, Title III-C;
- (B) Comply with all applicable law, including the United States Department of Labor - Occupational Safety and Health Administration rules;
- (C) Provide Nutritional Education approved by a Registered Dietitian or by a publicly recognized nutrition organization as prescribed by the Department. Nutrition education must be delivered to individuals at both congregate sites and through home delivered meal programs at least one time per year;
- (D) Self-monitor all meal sites within each service area at least annually and as otherwise appropriate; and
- (E) Have appropriate arrangements in place for emergency and disaster relief.
- (F) Nutrition counseling can only be provided by a Registered Dietitian in good standing. A Medical Nutrition Therapy License is required if a client's nutritional status is medically assessed, treated, and monitored. If permitted and available, compliant distance programs may be used for Nutrition Counseling for individuals who cannot attend face-to-face sessions. Procedures must be compliant with Code of Federal Regulations (CFR) 45 Sec.160, Sec.162, Sec.164, and all applicable law.

003.02 OTHER ENTITIES. With the written permission of the State Unit on Aging, an Area Agency on Aging may delegate the provision of meals to another entity, and the provisions of this chapter and all applicable law would apply to that entity; though, that Area Agency on Aging would remain responsible for compliance with its agreements with the State Unit on Aging and with applicable law, including this chapter.

004. REIMBURSEMENT REQUIREMENTS FOR MEALS.

004.01 REQUIREMENTS. An Area Agency on Aging is eligible for reimbursement at the cost of one meal served per present eligible individual per meal time. Meal costs are determined by each Area Agency on Aging. Costs must be allowable, reasonable, and allocable and must be compliant with CFR 200 Subpart E, the Nebraska Community Services Act, as prescribed by the Department, and all applicable law.

005. NON-DUPLICATION OF SERVICES.

005.01 REQUIREMENTS. An Area Agency on Aging must not duplicate services between or among the Nutrition Services Incentive Program and Title III-C with Medicaid Waiver, Title VI, Title XX, or other governmental sources. An Area Agency on Aging must properly record all eligible and non-eligible individual meals in its reimbursement report to the State Unit on Aging.

006. NUTRITION SERVICES INCENTIVE PROGRAM.

006.01 REIMBURSEMENT. Nutrition Services Incentive Program funds can only reimburse an Area Agency on Aging for meals that:

- (A) Are served to eligible individuals;
- (B) Are served to the spouses of participating eligible individuals and volunteers of any age who are involved directly with the meal service; and
- (C) Are derived from domestically produced foods.

006.02 PROCUREMENT. Nutrition Services Incentive Program funds can only be used to reimburse an Area Agency on Aging for the purchase of food.

007. MEAL SITE OPERATIONS.

007.01 OPERATIONS. An Area Agency on Aging operating a meal site must:

- (A) Ensure the meal site building and location are:
 - (i) Compliant with local building and safety codes, the Americans with Disabilities Act and all applicable law;
 - (ii) Equipped with cleaning solutions and equipment for general cleaning and sanitation;
 - (iii) Accessible and have connections to proper waste disposal, potable drinking water, electricity and the means to access services for equipment repair and building maintenance; and
 - (iv) Maintaining meal preparation, cooking, storage, dining and restroom areas to be clean and free from pests and debris;
- (B) Ensure meal preparation equipment is safe, in proper working condition, holds temperatures, is sanitary for use, and staff records and monitors temperature and chemical levels; and
- (C) Post signage at meal sites showing:
 - (i) Where exits are located;
 - (ii) Posted dining menus;
 - (iii) Cost sharing information for full price and suggested contributions; and
 - (iv) Signage encouraging individuals to not take home potentially hazardous foods.

008. FOOD SAFTY AND REGULATIONS.

008.01 FOOD SAFETY TRAINING. An Area Agency on Aging operating a meal site must utilize the food safety training program as specified by the Nebraska State Unit on Aging, the Nebraska Food Code, the Food and Drug Administration's Food Code, local food codes, and all applicable law.

008.02 FOODBORNE ILLNESS. An Area Agencies on Aging operating a meal site must report any outbreak of suspected foodborne illness to local health departments and the State Unit on Aging.

009. CONGREGATE MEAL SITES.

009.01 PROCEDURES. Each Area Agency on Aging operating a meal site must:

- (A) Institute and maintain appropriate procedures for collecting feedback from individuals about the services received; and
- (B) Ensure the provision of a meal to an eligible individual who has failed to make a reservation, when sufficient food is available.

009.02 OPERATIONS. Each congregate meal site operated by an Area Agency on Aging must:

- (A) Have an appropriate person designated to be responsible for the day-to-day activities at each site, and physically be on-site during meal time;
- (B) Have operational restrooms with toiletries, lighting, and ventilation that meet the requirements of local building codes and all applicable law; and
- (C) Have equipment, including tables and chairs, which are sturdy and appropriate for older individuals who may be frail, disabled, or have limited mobility. Tables must be arranged to ensure ease of access and encourage socialization.

010. CONGREGATE MEAL ELIGIBLE INDIVIDUALS AND OPERATIONS.

010.01 REQUIREMENTS. Each Area Agency on Aging operating a congregate meal site must:

- (A) Give each eligible individual who receives a meal the opportunity to contribute to the cost of the meal;
- (B) Develop a suggested contribution and consider the income ranges of the older individuals in the community and the Area Agency on Aging's other sources of income;
- (C) Post a conspicuous sign near the contribution box at each congregate meal site that indicates the suggested contribution for participating eligible individuals and that this amount is a required contribution from participating non-eligible individuals;
- (D) The spouse of an eligible older adult congregate meal individual can also participate in the congregate meal program;
- (E) An eligible individual cannot be denied participation because of failure or inability to contribute;
- (F) Ensure that the amount of an eligible individual's contribution, if any, is kept confidential; and
- (G) Establish written procedures that include at least weekly deposits and dual control of financial transactions to protect contributions and fees from loss, mishandling, and

- theft. Procedures must be kept on file on-site when feasible and at the providers office when not feasible; and
(H) Use all income received in contributions to increase the number of meals served.

011. POTENTIALLY HAZARDOUS FOODS.

011.01 ALLOWANCE AND PROCEDURES. Each Area Agency on Aging operating a meal site must allow individuals to take away foods that are not potentially hazardous. Centers should have a visible sign that discourages the removal of potentially hazardous foods located at the meal site. Potentially hazardous foods are defined by the Nebraska Food Code.

012. SUGGESTED CONTRIBUTION BOX SPECIFICATIONS.

012.01 MEAL SITES. Each Area Agency on Aging operating a meal site must protect each suggested contribution box with a barrier that shields an individual's declaration or non-declaration from other individuals.

013. TAKE HOME MEALS AND FULL PRICE.

013.01 PROVISIONS. An individual who wishes to take a meal from the meal site is able to do so by paying full price. Meals that are paid for at full price are exempt from sales tax per the Nebraska Sales and Use Tax Regulations. The Area Agency on Aging must provide written instructions, when feasible, in the language of the majority of the individuals, for proper handling and re-heating of the meals sold.

014. HOME DELIVERED MEAL PROGRAM.

014.01 OPERATIONS. Each Area Agency on Aging operating a home-delivered meal program must:

- (A) Complete an initial determination of eligibility in person or by telephone;
- (B) Complete a written assessment, including nutrition-related supportive services, within two weeks of the individual's first meal service and referrals made as necessary;
- (C) Provide reassessment of need, determined by the Area Agency on Aging, annually or with a change in individual status;
- (D) Establish a waiting list for home-delivered meals when the provider(s) are unable to provide meals to all eligible individuals;
- (E) Provide contribution statements to individuals that clearly state that the amount is a suggested contribution. The statements must not include the words bill, requested, required, or other language implying that it is not voluntary;
- (F) Provide home-delivered meals only to persons 60 years of age or older, except a spouse of a homebound eligible individual, regardless of age, is eligible to receive a home-delivered meal if the provision of the collateral meal supports maintaining the person at home; and except an individual with a disability, regardless of age, who resides at home with an eligible individual and is dependent on the eligible individual for care is eligible to receive a home-delivered meal; and
- (G) Prioritize the provision of home-delivered meals to eligible individuals with the greatest economic and social need, persons who are homebound due to illness,

- incapacitating disability or who are otherwise isolated. Preference must also be given to low-income older adults, including low-income minority older adults, older adults with limited English proficiency and older adults residing in rural areas;
- (H) Provide home-delivered meals to eligible individuals at nutritional risk who have physical, emotional, or behavioral conditions that would make their service at a congregate nutrition site inappropriate;
 - (I) Provide home-delivered meals directly to the individual recipient of the meal;
 - (J) While delivering home-delivered meals, inform individuals at the residence about any apparent health, fire or safety hazards noticed in the home;
 - (K) Provide home-delivered meals at the appropriate temperatures in accordance with the Nebraska Food Code and any other applicable law. More than one meal may be delivered for consumption each day for different meal times, if proper storage and heating facilities are available in the home and the individual is able to consume the second meal either alone or with available assistance;
 - (L) Utilize equipment that maintains the safe and sanitary handling of food items during packaging and transport
 - (M) Provide home-delivered meals in packages or containers that are easily opened by eligible individuals; and
 - (N) Provide written instructions, and when feasible, in the language of the majority of the individuals at the residence, for proper handling and reheating of the meals.

015. NUTRITION RISK SCREENING AND ASSESSMENT TOOLS.

015.01 REQUIREMENTS. Area Agencies on Aging must utilize a tool, questions, or both to conduct nutrition risk screenings and assessments, as prescribed by the State Unit on Aging.

016. REQUIRED FORMS.

016.01 REQUIREMENTS. Area Agency on Aging must utilize any required forms from the State Unit on Aging that are identified in program instructions, information memorandums, and applicable communications.