

PROGRAM INSTRUCTION

SUA-09-PI-06

January 23, 2009

TO: Nutrition Coordinators
Directors, Area Agencies on Aging

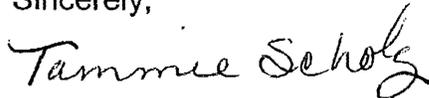
FROM: Tammie Scholz, Program Specialist

SUBJECT: Guidance on Interpretation of Older Americans Act Nutrition
Program Regulations

Content: Question and Answer Format on Older Americans Act Nutrition
Program Regulations and State Unit on Aging Guidance on
Contribution Standards.

If you have any questions, please don't hesitate to contact Tammie Scholz at
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Sincerely,



Tammie Scholz, MS, RD, LMNT
Nutrition & Health Specialist

Who may participate in the Older Americans Act Nutrition Program?

Section 339(2)(H),(I) provide for the following:

- A person aged 60 years of age and older;
- A spouse of any age;
- Disabled individuals, who reside in housing facilities for the elderly where a congregate site exists, are eligible for congregate meals.
- AAAs may establish procedures to allow a senior center to offer a meal to an individual who provides volunteer service during meal hours.
- AAAs may establish procedures to allow a senior center to offer a meal to a disabled individual who resides at home with an older adult (both congregate and home delivered meals).

Are family caregivers eligible for home delivered meals (HDMs)?

Who the caregiver is will define how the service can be paid for. In general, the following principles apply:

- If the caregiver is a spouse of an eligible client (Section 339(2)(I), the caregiver may receive HDMs under Title III C-2 and have that meal counted for NSIP.
- If the family caregiver is another member of the family and is over 60, but not homebound, HDMs may be provided to the family caregiver through Title III-E Section 373(b)(5). This meal would NOT be eligible for NSIP (it does not meet the requirements for C-2 of the OAA and its regulations).
- If the caregiver, is not a spouse (but could be another family member) and is under 60, HDMS may be provided to the caregiver through Title III-E Section 373(b)(5). This meal would NOT be eligible for NSIP (it does not meet the requirements for C-2 of the OAA and its regulations).

Who may not participate in the OAA Nutrition Program?

- Homebound disabled individual living alone who have not attained the age of sixty may not participate in the Part C-2 Program (home-delivered meals).
- Spouses (under the age of 60) of non-Title III-C participating individuals may not receive eligible meals. Eligibility for the under-60 spouse is based on the age 60+ spouse's participation in the nutrition program.
- Guests of eligible participants may receive a meal for the full cost of the meal provided all participants have received the service. These meals are not counted as eligible meals to be included on the State Program Report (SPR). Guests should receive meals only upon availability.
- Guests include children, staff and any non-participating person. The full cost of the meal must be charged because Title III-C funds are not intended for these populations.

What are the eligibility criteria for meals to be served in OAA nutrition Programs?

Section 339(2)(A)(I)(II) provides the following:

- Meals must comply with the most recent Dietary Guidelines for Americans.
- Meals must provide at least 1/3rd of the Dietary Reference Intakes (DRIs).
- Meals must be served in compliance with State and local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service and delivery of meals to an older individual.

Section 315(b)(3) Means Testing

- Meals served to means-tested individuals in means-tested programs are not Title III-C eligible meals. Meals served to individuals in nursing homes, adult care homes or assisted living facilities where the meal is a part of the per diem rate are not eligible.

A number of factors are increasing the cost of meals. Are there ways to work within the Dietary Reference Intakes(DRIs) and Dietary Guidelines(DGIs) for Americans and meet these challenges?

The DGAs can be implemented by following two different meal patterns (the United State Department of Agriculture's Food Guide or My Pyramid, and the Dietary Approaches to Stop Hypertension or DASH diet) and suggested caloric levels which determine portion sizes to best meet the needs of older adults being served.

Implementation of the DRIs and DGAs do not require the production of high cost meals, however; the translation of these requirements into low-cost meals is a technical skill that may require the expertise of a registered dietitian or individual with comparable education and training.

Guidance on the Older Americans Act (OAA) Nutrition Program can be found at http://nutritionandaging.fiu.edu/OANP_Toolkit/.

Recommendations for implementation including flexibility recommendations are found in the Dietary Guidelines for Americans 2005 Nutrition Service Providers Guide found at http://nutritionandaging.fiu.edu/DRI_and_DGs/dg_resources.asp.

Are "Carry-Out"/"Take-Out" meals considered eligible meals?

- Part C Subparts 1 and 2 of the OAA authorize two nutrition services— Congregate Nutrition Services and Home-Delivered Nutrition Services respectively. No provisions are made for carry-out or take-out settings. The OAA states the meals shall be provided in a congregate setting or delivered to the person's home. Congregate meal service allows clients to receive socialization, information and assistance, and many other education and health-related services, to name a few. The OAA requires that services are to be targeted and persons participating should be in need of these related services and not just the meal.

Can meals served to recipients of Medicaid waiver meals who are 60 years or over, or disabled under 60 years be reported as eligible Title III-C meals?

- No. In order to participate in the Medicaid program, clients are evaluated for income status and services are provided accordingly. Means-tested services are not allowable in OAA programs.
A meal may be provided through the Medicaid waiver program. Usually a negotiated per diem rate is contractually entered into with the State Medicaid agency and the Title III-C provider. The rate should cover the full cost of the meal. These meals are not reported to AoA for the Nutrition Services Incentive Program (NSIP) meal count.

Source: Older Americans Act Frequently Asked Questions, AoA Website
http://www.aoa.gov/oa2006/Main_Site/resources/faqs.aspx

Contribution Standards:

- The actual cost, as defined by the AAA and reported to the State, of a congregate meal shall be posted at the nutrition site. Suggested contribution and actual cost shall be posted in a prominent conspicuous location.
- Each eligible participant shall have an opportunity to voluntarily and anonymously contribute toward the cost of a provided meal service.
- Each AAA shall establish and implement procedures which will protect the privacy of the client's decision to contribute or not contribute toward the meal service rendered.
- Under no circumstances may an eligible client be denied service(s) by a provider who received funds from the AAA (for that service) because of the client's decision not to contribute for services rendered.
- AAAs shall have each provider post suggested contributions and fees (actual costs of meal) for nutrition services in a prominent conspicuous location.
- There shall be a locked contribution box, placed away from the ticket and change table, which shall not be monitored for contributions, in order to assure the confidentiality of the donation.
- Participant contributions shall be counted by two persons, and both individuals shall sign a form attesting to the correct count. A copy of such signed documentation shall be kept on file.
- Daily sign-in sheet or other acceptable documentation identifying participants, guests, volunteers and staff.
- A separate lock box should be used for collecting non-eligible meal cost fees.
- A receipt should be given to an individual who has purchased a non-eligible meal and a copy of this receipt should be attached to the sign-in sheet.

Site Contribution Monitoring Should Include:

- 1) How contributions are collected.
- 2) The average contribution at the site.
- 3) How confidentiality is assured.
- 4) How the money is deposited.
- 5) How the money is handled for ineligible meals.