

**MARYLAND DEPARTMENT OF AGING  
AGING PROGRAM DIRECTIVE**

<b>1. File Name:</b> APD-07-18-Client and Community Services – Nutrition Services Policies	<b>2. Issuance Status:</b> Replacement of APD-02-02-Client and Community Services – Nutrition Policies
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<b>For Department Use Only:</b> J:\APDs\2007\07-18-C&CS-Nutrition Services Policies.doc	

**SUBJECT:** Nutrition Services Policies

**TO:** Area Agency on Aging Directors  
Nutrition Program Directors

**FROM:** Ilene Rosenthal  
Deputy Secretary

**PURPOSE:** To issue revised policies for Nutrition Services in accordance with the Reauthorization of the Older Americans Act. These policies replace all previous policies in effect as of the issuance date of this APD.

**LEGISLATIVE**

**REFERENCE:** Older Americans Act of 1965, as amended, Sections 202, 306, 315, 339

**BACKGROUND:** The Maryland Department of Aging, working with the Maryland Association of Senior Nutrition Programs, reviewed and updated existing state nutrition policies in accordance with the 2006 Reauthorization of the Older Americans Act. The changes focus on specification of who can conduct nutrition education and counseling, and when these services are to be conducted. The frequency of monitoring of meal providers is also emphasized.

**CONTENTS:** Polices for Senior Nutrition Services

**SPECIAL**

**INSTRUCTIONS:** None

**cc:** Gloria Lawlah, Secretary  
Department Staff

## POLICIES FOR SENIOR NUTRITION SERVICES

### I. Purpose

The Assistant Secretary for Aging of the US Department of Health and Human Services provides grants for the establishment and operation of Nutrition Services.

Nutrition services assist Maryland's older citizens in reducing hunger and food insecurity, in promoting socialization and independent living, and in promoting health and well-being by providing access to nutrition and other disease prevention and health promotion services to delay the onset of adverse health conditions resulting from poor nutritional health or sedentary behavior. Awards of federal and state funds shall be made to Area Agencies on Aging (AAA) for this purpose. *45 CFR 1321.7(a)*

The following policies have been developed to improve the effectiveness of nutrition services by setting quality standards and administrative controls, *in accordance with the Older Americans Act of 1965 as reauthorized in 2006, other federal and state laws and regulations and any program instructions issued by the US Administration on Aging.*

### II. Definitions

- A. **Nutrition project** is the unit within the Area Agency on Aging that provides nutrition services or subcontracts for nutrition services.
- B. **Nutrition services** include the procurement, preparation, transport and service of meals; providing an opportunity for mealtime socialization; and nutrition screening, education and counseling for older persons at congregate sites or in their homes.
- C. **Nutrition-related supportive services** include food stamp outreach, Senior Farmers Market Nutrition Program, nutrition consultation to other community programs, escort of older persons to nutrition sites, food shopping assistance and communication via public speaking, newsletters, radio, television and video production.
- D. **Nutrition sites** are community locations such as senior centers, community centers, schools, religious facilities and other public or private facilities that provide congregate meals, activities to meet the interests and needs of older adults and access to other supportive services.
- E. **Congregate meals** are meals served at nutrition sites where socialization is encouraged.
- F. **Home delivered meals** (HDM) are pre-portioned hot, cold, frozen or shelf-stable meals.
- G. **Shelf stable meals** are a combination of foods that can be stored and consumed at room temperature. Shelf stable meals are distributed for use in emergency situations, such as when meals cannot be delivered due to severe weather.
- H. **Guest meals** are meals served to persons who are not eligible to participate in the program. Guests may include staff, instructors, volunteers, friends and relatives of participants and non-eligible persons with disabilities.

- I. **Nutrition volunteers** are persons who work at least 2 hours per month without pay in the performance of essential nutrition program services.
- J. **Nutrition education** is a service that promotes better health by providing accurate and culturally sensitive nutrition, physical fitness or health (as it relates to nutrition) information and instruction. It may be conducted for participants or caregivers, in a group or individual setting and shall be approved by a dietitian or nutritionist licensed in Maryland. A non-dietitian may present the nutrition education as long as it was written, reviewed and/or it is overseen by a dietitian.
- K. **Nutrition screening** is the process of discovering characteristics known to be associated with dietary or nutritional problems. Its purpose is to identify individuals who may be at risk of poor nutritional health. If an individual is found to be at high nutritional risk per the nutritional screening tool an intervention should be provided. An example of an intervention would be a note to the individual's primary care physician or nutrition counseling by a dietitian.
- L. **Nutrition counseling** is a service providing individualized guidance to individuals who may be at nutritional risk because of their health or nutritional history, dietary intake, medications use or chronic illnesses. Nutrition counseling includes options for improving nutritional health and is performed by a licensed dietitian/nutritionist in accordance with state law and policy.
- M. **Food service contract** is a written legal agreement with a meal provider for the purchase of meals and includes menus, quality assurance, portion control and delivery.
- N. **Nutrition service contract** is a legal agreement with an organization which may provide management, socialization, education and meals.

### III. **Requirements**

#### **A. Eligibility**

1. Congregate nutrition services shall be made available to persons 60 years and older and their spouses, regardless of age. Home delivered nutrition services shall be available to any person age 60 or older who is homebound by reason of illness or otherwise isolated. The spouse of the homebound older person, regardless of age, may receive a home delivered meal if, according to the criteria determined by the AAA, receipt of the meal is in the best interest of the homebound older person. *OAA Sec. 339(2)H, Sec. 339(2)I*
2. Congregate or home delivered meals may be offered to persons with disabilities regardless of age when:
  - (a) The individual with disabilities resides in a housing facility occupied primarily by older persons at which congregate meals are available, *OAA Sec. 339(2)(I)*
  - (b) The individual with disabilities resides at home with and accompanies an eligible older person to a congregate meal site, *OAA Sec. 339(2)(H), 45 CFR 1321.17(f)(12); or*

- (c) The individual with disabilities resides at home with a homebound, eligible, older person.
3. Volunteers, regardless of age, who provide services during the meal hours, may be offered a meal on the same basis as meals provided to elderly participants. Procedures shall be established by the AAA. *OAA Sec. 339(2)(H)*
4. Guests under 60 years old may be served meals if doing so will not deprive an older person of a meal. The AAA shall establish a fee for guest meals that is not less than the price paid for the meal plus the cost of transportation of the meal to the site. Funds received for meals served to guests and staff under 60 years of age are considered program income and shall be used accordingly (see Section III E).

**B. Operating Requirements for Nutrition Services**

Each designated AAA prepares an Area Plan which meets the requirements of the Older Americans Act and assures that nutrition projects within its area of responsibility meets the following requirements: *OAA Sec.306(a)*

1. **Establish objectives** – The AAA shall establish objectives with regard to number and frequency of meals to be served, number of nutrition sites, nutrition education, staff training, local monitoring of the quality of congregate and home delivered nutrition programs and outreach activities.
2. **Obtain participant views** – The AAA shall establish procedures for obtaining the views of participants about the service they receive. Client satisfaction surveys, project and site councils may be used to meet this requirement. *OAA Sec.339(2)(G)*
3. **Employ adequate numbers of qualified staff** – The AAA shall provide adequate paid and volunteer staff to operate nutrition services including a Nutrition Services Director, a site manager, and additional staff based on the size of the program, the service area, the method and level of service provided and outreach. In carrying out this function, the AAA shall adhere to local, state and federal equal employment opportunities and fair employment practices.

**C. Administering Nutrition Services**

1. The AAA shall administer nutrition project with the advice of dietitians or nutritionists licensed in Maryland. *OAA Sec. 339(2)(G)*
2. The AAA must ensure that each meal complies with the most recent Dietary Guidelines for Americans. In addition, the AAA must ensure that each meal provides one-third of the Dietary Reference Intakes (DRI) established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Science. Menus for congregate and home delivered meals must be certified in writing that they adhere to this standard **either** by means of a nutrient analysis **or** based on a meal pattern approved by the Maryland Department of Aging (MDoA).

3. The AAA shall train nutrition site staff and volunteers in topics related to nutrition program operation to include sanitation, food safety, record keeping, socialization and emergency procedures.
4. The AAA shall monitor the nutrition project.
  - (a) Each congregate nutrition site shall be monitored a minimum of one time per year and a written report prepared. Items to be included, but not limited to are food handling and sanitation, meal service, record keeping, handling of contributions and safety.
  - (b) Each home delivered meal program (including non-area agencies eligible for the Nutrition Services Incentive Program) shall be monitored a minimum of one time per year and a written report prepared. Temperatures shall be monitored for each delivery route. Other items to be included, but not limited to are client assessment, meal packaging, food handling, meal delivery, record keeping and volunteer training.

**D. Providing Meals in a Cost-effective Manner**

1. The AAA must conduct a cost/benefit study and submit it to the MDoA before proceeding to cook meals on site rather than contracting for meals prepared off site.
2. The AAA shall establish procedures that allow nutrition service providers to furnish modified menus to the maximum extent practicable to meet any special dietary needs arising from the religious, health or ethnic background of participants. *OAA Sec. 339(2)(A)(iii)*
3. The AAA shall make available a supply of shelf stable meals for use in weather related emergencies when feasible and appropriate. *45 CFR 1321.65(e)*

**E. Collecting Participant Contributions**

Information on the cost of meals and nutrition services shall be made available to participants, guests and caregivers. Nutrition projects will solicit voluntary contributions, which may include food stamps, from participants for congregate and home delivered meals. *45 CFR 1321.67(a)(1)(2)(3)*

1. Voluntary contributions shall be solicited from program participants for meals; however, the method of solicitation may not be coercive. Services cannot be denied to any eligible individual who does not contribute to the cost of the service. *OAA Sec. 315(b)(3), Sec. 315(4)(A)-(B)*
2. The AAA shall establish procedures to keep confidential each participant's contribution. *OAA Sec. 315(b)(4)(C)*
3. The AAA shall establish procedures to protect contributions from loss, mishandling and theft. *OAA Sec. 315(b)(4)(D)*
4. Contributions shall be reported as program income.

5. Program income shall be used to increase the number of meals served, to facilitate access to meals and to provide supportive services directly related to the nutrition program. *OAA Sec. 315 (b)(4)(E)*

**F. Providing Nutrition Education, Screening and Counseling**

1. Nutrition education shall be provided no less than semiannually.
2. Nutrition screening shall be provided to each program participant at least annually. *OAA Sec. 202(a)(16) and (26)*
3. Nutrition counseling shall be provided where appropriate. *OAA Sec. 339(2)(J)*
4. Nutrition education, screening and counseling activities shall be reported on state reports.

**G. Maintaining Records and Confidential Information**

1. The AAA shall develop and maintain a registry of participants that documents eligibility for service, contact person for emergency notification, economic and social need indicators, ethnicity, living status, and may include the need for and referral to other appropriate services. Records shall be maintained in such a manner that confidentiality will be upheld.
2. The AAA shall maintain accurate records of the number of Title III eligible meals served daily per participant, contributions, expenditures and monitoring reports. All records and reports shall be made available for audit for a period of three years.

**H. Additional Requirements for Congregate Nutrition Services**

1. Select facilities where older person will feel welcome, comfortable and safe. The cultural and ethnic preferences of the older persons in the service area shall be taken into consideration. Sites should be in close proximity to eligible individuals' residences. *OAA Sec. 339(2)(E)*
2. Assure that meal sites meet the Americans with Disabilities Act standards for accessibility. The dining space shall be adequate for socialization and programs.
3. Equip meal sites with appliances and serving pieces that comply with National Sanitation Foundation standards.
4. Comply with state and local codes for fire, safety and sanitation.
5. Provide special plates and utensils to meet the needs of individuals with disabilities as requested.
6. Provide assistance to participants who have difficulty walking or carrying trays.

**I. Additional Requirements for Home Delivered Nutrition Services**

1. Assess the need for home delivered meals among applicants. Reassess the client's

level of need and delivery pattern on a regular basis, including a formal assessment at least once per year. Trained volunteers and staff should make informal assessments for the duration of time the service is received.

2. Provide at least one nutritious, home delivered meal per day and any additional meals which the nutrition project may elect to provide. Meals shall be provided five or more days per week except in a rural area where such frequency is not feasible and a lesser frequency is approved by the Maryland Department of Aging. *OAA Sec. 336*
3. Bring to the attention of appropriate officials any conditions or circumstances that place the older person or the household in imminent danger.

#### **IV. Funding and Program and Financial Reporting**

The Maryland Department of Aging allocates Older Americans Act funds to AAAs using a formula approved by the US Administration on Aging. Other funding sources may include State nutrition funds, Nutrition Service Incentive Program funds, local funds, program income and grants. As part of the Area Plan, an AAA shall submit a nutrition services application and budget annually to the MDoA.

- A.** Federal funds shall be used according to the requirements of the Older Americans Act and applicable policies set forth by the MDoA through its Aging Program Directives (APD).
  1. Up to 10% of funds may be transferred between Titles IIIB and IIIC.
  2. Up to 30 % of funds may be transferred between Titles IIIC1 and IIIC2.
  3. The AAA may allocate up to 10 percent of its total Title III allocation for Administration.
  4. Since the intent of Congress in appropriating Title IIIC funds is to provide meals for the elderly, the AAA should assure that most of the funds for the programs are used for meals. As a guide,
    - (a) A minimum of 50% of total funds from all sources should be budgeted for meals.
    - (b) AAAs that are not direct service providers for home delivered meals and subcontract with a Meals on Wheels organization should use at least 90% of funds from all sources for home delivered meals. Services may be contracted with more than one organization.
    - (c) No more than 10% of nutrition funds should be used for transportation.
- B.** State funds shall be used exclusively for meals. The AAA shall determine the percentage allocated to congregate and home delivered meals. AAAs may provide special projects with State funds as outlined in the Area Plan instructions.
- C.** Nutrition Services Incentive Program funds shall be used exclusively for meals.
- D.** Program income (contributions) shall be used to increase the number of meals served, to

facilitate access to meals, and to provide supportive services directly related to the nutrition program.

- E.** Expenditures, units of service, unduplicated participants, program income and other data shall be reported to the MDoA as required by the National Aging Program Information System (NAPIS) State Performance Report (SPR).
- F.** Meal counts shall be reported as required by MDoA. Meals must meet the requirements of the Older Americans Act. Meals that are not reported to the state agency include: meals that do not meet the RDAs and/or Dietary Guidelines, are unsafe to eat, are snacks or partial meals or are meals served to individuals who are means-tested, asked to cost-share or charged for a meal.
- G.** Funding from the Older Americans Act and Nutrition Services Incentives Program (NSIP) may be available for an organization that:
  - 1. Has a grant, contract or agreement from the State or an AAA;
  - 2. Is under the jurisdiction, control, management and audit authority of the State and AAAs;
  - 3. Has nutrition service operations monitored by the State or area agency on aging;
  - 4. Collects information as required on the State Performance Report;
  - 5. Complies with all the provisions of the Older Americans Act; including nutrient quality standards for meals; service participation criteria; and the opportunity for voluntary, confidential contributions;
  - 6. Uses nutrition service contributions to expand nutrition services;
  - 7. Does not use NSIP funds to supplant funds previously earmarked for services for older persons.
- H.** Allowable expenditures for congregate and home delivered meals:
  - 1. Meal cost allowable expenses include:
    - (a) *Salary and Fringe* - Cooks, if meals are prepared on site.
    - (b) *Travel* - Only allowed for transporting meals to homes of clients if AAA delivers the meals.
    - (c) *Building Space* - Renting building to cook meals.
    - (d) *Supplies* - Only napkins and meal service supplies.
    - (e) *Equipment* - Utensils to serve measured quantities of food; refrigerated server units; steam tables; equipment maintenance.
    - (f) *Utilities* - Gas and electric costs paid for cooking food on site.
    - (g) *Vehicle costs* - Transportation vehicles only for home-delivered meals.
    - (h) *Food cost* - Gross cost from food service; contracts derived from worksheet; raw food if meals are prepared on site.

2. Program management allowable expenses include:
  - (a) *Salary, Fringe* - Nutrition Program director; site managers; meal deliverers; and van drivers.
  - (b) *Travel* - Mileage and travel for: Nutrition program directors; Site managers; Meal deliverers; and Van drivers.
  - (c) *Building Space* - Rent for nutrition sites and headquarters.
  - (d) *Janitorial services*.
  - (e) *Printing* - Printing menus in newspapers and program newsletters.
  - (f) *Supplies* - Management office supplies.
  - (g) *Equipment* - Desks, tables, and chairs for meal program.
  - (h) *Communication* - Office telephones, answering machines and fax machines;
  - (i) *Vehicle Costs* - Service to vans that transport clients.
  
3. Supportive services allowable expenses include:
  - (a) *Nutrition Education*
  - (b) *Nutrition Counseling*
  - (c) *Outreach*
  - (d) *Salary and fringe* - Only for staff in performing nutrition education, meal and outreach functions.
  - (e) *Travel* - Associated with nutrition education and outreach.
  - (f) *Printing* - Only the cost of printing outreach materials and nutrition booklets.
  - (g) *Supplies* - Art supplies; booklets; nutrition software; and nutrition journals.
  - (h) *Equipment* - Audiovisual equipment and equipment for nutrition demonstrations.
  - (i) *Communications* - Nutrition outreach.
  - (j) *Vehicle Costs* - Vehicles for outreach and nutrition education mobile units.
  - (k) *Food Costs* - Food for nutrition demonstrations.

## **V. Nutrition Programs in the Congregate Housing Services Program**

- A.** The AAA may choose to provide and pay for one meal per day for clients in the Congregate Housing Services Program (CHSP).
  
- B.** AAAs shall advise the MDoA in the CHSP application(s) of their plans regarding Congregate Housing meals. The application shall be submitted no later than March 15 of each calendar year. The information in the application pertaining to meals shall also be included in the Area Plan.

## **VI. Contracts**

- A.** The AAA shall develop written procedures for procuring contracts for all meals in accordance with local procurement practices while adhering to federal regulations.
  
- B.** AAAs shall submit to the MDoA for approval all proposed invitations for bids, requests for proposals or other procurement instruments for all nutrition contracts paid for with

State or federal funds. This shall be submitted at least 30 days prior to distribution to potential vendors. This provision includes but is not limited to contracts for food service, nutrition service providers and consultants for nutrition services.

- C.** Final, signed contracts shall be submitted to the State using the Food Service Contract Transmittal Form.
- D.** The AAA may not use State or federal funds to pay for any executed contract without prior approval from MDoA.