

CHAPTER 11: NUTRITION

11.1. RULES GOVERNING OLDER AMERICANS ACT SERVICES.

1. **Nutrition Services.** (ICOA) The ICOA incorporates, by reference, all federal and state statutes and requirements governing the administration, operation and management of the congregate and home-delivered meal programs.

11.2. SENSE OF CONGRESS RECOGNIZING THE CONTRIBUTION OF NUTRITION TO THE HEALTH OF OLDER ADULTS. (OAA Subpart 3, General Provisions, Section 339 Nutrition)

1. **(a) Findings.**—Congress finds that-
 - A. (1) good nutrition is vital to good health, and a diet based on the Dietary Guidelines for Americans may reduce the risk of chronic diseases such as cardiovascular disease, osteoporosis, diabetes, macular degeneration, and cancer;
 - B. (2) the American Dietetic Association and the American Academy of Family Physicians have estimated that the percentage of older adults who are malnourished is estimated at 20 to 60 percent for those who are in home care and at 40 to 85 percent for those who are in nursing homes;
 - C. (3) the Institute of Medicine of the National Academy of Sciences has estimated that approximately 40 percent of community-residing persons age 65 and older have inadequate nutrient intakes;
 - D. (4) older adults are susceptible to nutrient deficiencies for a number of reasons, including a reduced capacity to absorb and utilize nutrients, difficulty chewing, and loss of appetite;
 - E. (5) while diet is the preferred source of nutrition, evidence suggests that the use of a single daily multivitamin-mineral supplement may be an effective way to address nutritional gaps that exist among the elderly population, especially the poor; and
 - F. (6) the Dietary Guidelines for Americans state that multivitamin-mineral supplements may be useful when they fill a specific identified nutrient gap that cannot be or is not otherwise being met by the individual's intake of food.
2. **(b) Sense of Congress.** It is the sense of Congress that—
 - A. (1) meal programs funded by the Older Americans Act of 1965 contribute to the nutritional health of older adults;
 - B. (2) when the nutritional needs of older adults are not fully met by diet, use of a single, daily multivitamin-mineral supplement may help prevent nutrition deficiencies common in many older adults;
 - C. (3) use of a single, daily multivitamin-mineral supplement can be a safe and inexpensive strategy to help ensure the nutritional health of older adults; and
 - D. (4) nutrition service providers under the Older Americans Act of 1965 should consider whether individuals participating in congregate and home-delivered meal programs would benefit from a single, daily multivitamin-mineral supplement that is in compliance with all applicable government quality standards and provides at least 2/ 3 of the essential vitamins and minerals at 100 percent of the daily value levels as determined by the Commissioner of Food and Drugs.

11.3. **SUBPART 3 GENERAL PROVISIONS, NUTRITION.** (OAA Section 339) A State that establishes and operates a nutrition project under this chapter shall—

(1) utilize the expertise of a dietitian or other individual with equivalent education and training in nutrition science, or if such an individual is not available, an individual with comparable expertise in the planning of nutritional services, and

(2) ensure that the project—

(A) provides meals that—

(i) comply with the most recent Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture, and

(ii) provide to each participating older individual—

(I) a minimum of 33¹/₃ percent of the dietary reference intakes established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, if the project provides one meal per day,

(II) a minimum of 66²/₃ percent of the allowances if the project provides two meals per day, and

(III) 100 percent of the allowances if the project provides three meals per day, and

(iii) to the maximum extent practicable, are adjusted to meet any special dietary needs of program participants,

(B) provides flexibility to local nutrition providers in designing meals that are appealing to program participants,

(C) encourages providers to enter into contracts that limit the amount of time meals must spend in transit before they are consumed,

(D) where feasible, encourages joint arrangements with schools and other facilities serving meals to children in order to promote intergenerational meal programs,

(E) provides that meals, other than in-home meals, are provided in settings in as close proximity to the majority of eligible older individuals' residences as feasible,

(F) comply with applicable provisions of State or 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,

(G) ensures that meal providers solicit the advice and expertise of—

(i) a dietitian or other individual described in paragraph (1),

(ii) meal participants, and

(iii) other individuals knowledgeable with regard to the needs of older individuals,

(H) ensures that each participating area agency on aging establishes procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with older individuals eligible under this chapter,

(I) ensures that nutrition services will be available to older individuals and to their spouses, and may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided,

(J) provides for nutrition screening and nutrition education, and nutrition assessment and counseling if appropriate,

(K) encourages individuals who distribute nutrition services under subpart 2 to provide, to homebound older individuals, available medical information approved by health care professionals, such as informational brochures and information on how to get vaccines, including vaccines for influenza, pneumonia, and shingles, in the individuals' communities, and

(L) where feasible, encourages the use of locally grown foods in meal programs and identifies potential partnerships and contracts with local producers and providers of locally grown foods.

3. Safety Standards. (ICOA)

- A. The AAA shall ensure providers comply with all state and local fire, health, sanitation, safety, building, and zoning laws, ordinances, or codes;
- B. Have a valid permit to operate a food service establishment:
 - 1. Are in compliance with the Federal Occupational Safety and Health Administration (O.S.H.A.) requirements;
 - 2. Pass the Food Safety and Sanitation course in compliance with IDAPA 16.02.19, Subsection 400.02, "Rules Governing Food Safety and Sanitation Standards for Food Establishments (UNICODE)"; and
 - 3. Comply with the provisions of the Americans with Disabilities Act (PL 101-336).

4. Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code).

- A. These Rules Apply to Food Establishments. (IDAPA 16.02.19.001.03)
 - 1. Food establishments as defined in Section 39-1602, Idaho Code must follow these rules. Those facilities include but are not limited to the following:
 - a. Restaurants, catering facilities, taverns, kiosks, vending facilities, commissaries, cafeterias, mobile food facilities, temporary food facilities; and (4-6-05)
 - b. (b) Schools, senior centers, hospitals, residential care and treatment facilities, nursing homes, correctional facilities, camps, food banks, and church facilities.

5. Donation and Fees.

- A. Client Contributions. (ICOA)
 - 1. Client Contributions. All clients from whom a cost sharing payment is not required shall be given the opportunity to make voluntary contributions.

11.4. **NUTRITION SERVICES INCENTIVE PROGRAM (NSIP).** (OAA Section 311 (a))

- 1. **Purpose.** (a) The purpose of this section is to provide incentives to encourage and reward effective performance by States and tribal organizations in the efficient delivery of nutritious meals to older individuals.
- 2. **Cash Distribution Plans.** (b)
 - A. (1) The Secretary shall allot and provide, in accordance with this section, to or on behalf of each State agency with a plan approved under this title for a fiscal year, and to or on behalf of each grantee with an application approved under title VI for such fiscal year, an amount bearing the same ratio to the total amount appropriated for such fiscal year under subsection (e) as the number of meals served in the State under such plan approved for the preceding fiscal year (or the number of meals served by the title VI grantee, under such application approved for such preceding fiscal year), bears to the total number of such meals served in all States and by all title VI grantees under all such plans and applications approved for such preceding fiscal year.
 - B. (2) For purposes of paragraph (1), in the case of a grantee that has an application approved under title VI for a fiscal year but that did not receive assistance under this section for the preceding fiscal year, the number of meals served by the title VI grantee for the preceding fiscal year shall be deemed to equal the number of meals that the Assistant Secretary estimates will be served by the title VI grantee in the fiscal year for which the application was approved.
- 3. **Agricultural Commodities.** (c)
 - A. (1) Agricultural commodities (including bonus commodities) and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be donated to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.
 - B. (2) The Commodities Credit Corporation shall dispose of food commodities (including bonus commodities) under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.
 - C. (3) Dairy products (including bonus commodities) purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) shall be used to meet the requirements of programs providing nutrition services in accordance with the provisions of this title.
 - D. (4) Among the commodities provided under this subsection, the Secretary of Agriculture shall give special emphasis to foods of high nutritional value to support the health of older individuals. The Secretary of Agriculture, in consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions respecting the provision of commodities under this subsection.
- 4. **Commodity Election and Disbursement of Funds.** (d)
 - A. (1) Each State agency and each title VI grantee shall be entitled to use all or any part of amounts allotted under subsection (b) to obtain, subject to paragraphs (2) and (3), from the Secretary of Agriculture commodities available through any food program of the

Department of Agriculture at the rates at which such commodities are valued for purposes of such program.

- B. (2) The Secretary of Agriculture shall determine and report to the Secretary, by such date as the Secretary may require, the amount (if any) of its allotment under subsection (b) which each State agency and title VI grantee has elected to receive in the form of commodities. Such amount shall include an amount bearing the same ratio to the costs to the Secretary of Agriculture of providing such commodities under this subsection as the value of commodities received by such State agency or title VI grantee under this subsection bears to the total value of commodities so received.
- C. (3) From the allotment under subsection (b) for each State agency and title VI grantee, the Secretary shall transfer funds to the Secretary of Agriculture for the costs of commodities received by such State agency or grantee, and expenses related to the procurement of the commodities on behalf of such State agency or grantee, under this subsection, and shall then pay the balance (if any) to such State agency or grantee. The amount of funds transferred for the expenses related to the procurement of the commodities shall be mutually agreed on by the Secretary and the Secretary of Agriculture. The transfer of funds for the costs of the commodities and the related expenses shall occur in a timely manner after the Secretary of Agriculture submits the corresponding report described in paragraph (2), and shall be subject to the availability of appropriations. Amounts received by the Secretary of Agriculture pursuant to this section to make commodity purchases for a fiscal year for a State agency or title VI grantee shall remain available, only for the next fiscal year, to make commodity purchases for that State agency or grantee pursuant to this section.
- D. (4) Each State agency and title VI grantee shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts. Such disbursements shall only be used by such recipients of grants or contracts to purchase domestically produced foods for their nutrition projects.
- E. (5) Nothing in this subsection shall be construed to require any State agency or title VI grantee to elect to receive cash payments under this subsection.

5. **Authorization to Carry out Section.** (e) There are authorized to be appropriated to carry out this section (other than subsection (c)(1)) such sums as may be necessary for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

6. **Disseminate Information.** (f) In each fiscal year, the Secretary and the Secretary of Agriculture shall jointly disseminate to State agencies, title VI grantees, area agencies on aging, and providers of nutrition services assisted under this title, information concerning the foods available to such State agencies, title VI grantees, area agencies on aging, and providers under subsection (c).

(43.S.C. 3030a)

11.5. **COMMODITY CASH IN LIEU/COMMODITY ELECTION.** (ICOA)

- 1. **Commodity Program Participation Requirements.** All AAA nutrition service providers shall choose annually to participate in the USDA Eighty/Twenty (80/20) or One Hundred Percent (100%) Cash-In-Lieu Commodity program. (7-1-99)

11.6. **SUBPART 1 - CONGREGATE NUTRITION SERVICES**

- 1. **Purposes.** (OAA, Section 330)
 - A. (1) To reduce hunger and food insecurity;
 - B. (2) To promote socialization of older individuals; and

- C. (3) To promote the health and well-being of older individuals by assisting such individuals to gain 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.
2. **Authorization.** (OAA Section 331) The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects that—
 - A. (1) 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by regulation) and a lesser frequency is approved by the State agency), provide at least one hot or other appropriate meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide;
 - B. (2) Shall be provided in congregate settings, including adult day care facilities and multigenerational meal sites; and
 - C. (3) Provide nutrition education, nutrition counseling, and other nutrition services, as appropriate, based on the needs of meal participants. (42 U.S.C. Chapter 35 3030e)
 3. **Eligibility.**
 - A. (ICOA)
 1. Persons eligible to receive services under the Act shall be sixty (60) years of age or older and residents of the state of Idaho.
 2. Functionally- or cognitively-impaired adults under age sixty (60) living in the home of a caregiver who is age sixty (60) or older are exempted from this requirement. In those instances the caregiver is considered to be the client. (4-5-00)
 - B. (OAA 339(2)(H) and (I)) A State that establishes and operates a nutrition project under this chapter shall—
 1. (H) Ensures that each participating area agency on aging establishes procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to
 - a. participating older individuals, to individuals providing volunteer services during the meal hours, and to
 - b. individuals with disabilities who reside at home with older individuals eligible under this chapter,
 2. (I) Ensures that nutrition services will be available to older individuals and to
 - a. their spouses, and
 - b. may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided.
 4. **Screening.** (OAA Section 339(J))
 - A. A State that establishes and operates a nutrition project under this chapter shall ensure that the project.
 - B. Provides for nutrition screening and nutrition education, and nutrition assessment and counseling if appropriate.

11.7. **SUBPART 2 - HOME DELIVERED NUTRITION SERVICES.**

1. **Program Authorized.** (OAA Section 336)

- A. The Assistant Secretary shall establish and carry out a program to make grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects for older individuals that provide—
 - 1. (1) On 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by rule) and a lesser frequency is approved by the State agency) at least 1 home delivered meal per day, which may consist of hot, cold, frozen, dried, canned, fresh, or supplemental foods and any additional meals that the recipient of a grant or contract under this subpart elects to provide; and
 - 2. (2) Nutrition education, nutrition counseling, and other nutrition services, as appropriate, based on the needs of meal recipients. (42 U.S.C. 3030f)
- 2. **Eligibility.**
 - A. (ICOA)
 - 1. Persons eligible to receive services under the Act shall be sixty (60) years of age or older and residents of the state of Idaho.
 - 2. Functionally- or cognitively-impaired adults under age sixty (60) living in the home of a caregiver who is age sixty (60) or older are exempted from this requirement. In those instances the caregiver is considered to be the client. (4-5-00)
 - B. (OAA 339(2)(H) and (I)) A State that establishes and operates a nutrition project under this chapter shall—
 - 1. (H) Ensures that each participating area agency on aging establishes procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to
 - a. Participating older individuals, to individuals providing volunteer services during the meal hours, and to
 - b. Individuals with disabilities who reside at home with older individuals eligible under this chapter,
 - 2. (I) Ensures that nutrition services will be available to older individuals and to
 - a. their spouses, and
 - b. may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided.
 - C. (ICOA) Client’s eligibility to receive home-delivered meals shall be based upon the degree to which ADLs/ IADLs limit ability to independently prepare meals.
- 3. **Screening.** (OAA Section 339(J))
 - A. A State that establishes and operates a nutrition project under this chapter shall ensure that the project-
 - 1. Provides for nutrition screening and nutrition education, and nutrition assessment and counseling if appropriate.
- 4. **Client Assessment.** (ICOA)
 - A. Applicants for services under this chapter shall be assessed utilizing the ICOA approved assessment instrument.