

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 15—Division of Senior and Disability Services**  
**Chapter 4—Older Americans Act**

**PROPOSED AMENDMENT**

**19 CSR 15-4.240 Nutrition Service Requirements.** The department is amending the purpose statement and sections (1) – (4), and (6) – (13), and deleting section (5).

*PURPOSE: This amendment updates terminology and statutory authority and adds dietary guidelines requirements.*

*PURPOSE: This rule establishes the requirements to be met by the area agency **on aging** to fund, establish and operate nutrition services for [the elderly]**older adults**.*

(1) The area agency **on aging** may award nutrition services funds to a service provider to provide meals and other nutrition services, including outreach and nutrition education, to eligible service recipients within the planning and service area (PSA).

(2) The area agency **on aging** shall assess the level of need for congregate and home-delivered meals within the PSA and maintain documentation of the method(s) used to assess level of need and how the results were used to determine levels of services to meet those needs.

(3) The area agency **on aging** may make awards for congregate and home-delivered nutrition services to a service provider that furnishes either or both type(s) of service(s). The area agency **on aging** may award federal and state funds to a service provider that delivers only home-delivered nutrition services if congregate nutrition services are also provided through the area agency **on aging**.

(4) The area agency **on aging** shall assure that *[no contract shall be entered into for]* the provisions of nutrition services *[unless that contract has been awarded through a competitive process]* **are contracted for in accordance with the standards set forth in 19 CSR 15-4.200.**

*[(5) Primary consideration shall be given to the provision of meals in a congregate setting, except that each area agency may award home-delivered nutrition funds to organizations which have demonstrated an ability to provide home-delivered meals efficiently and reasonably, and will furnish assurances to the area agency that the organization will maintain efforts to solicit voluntary support and that federal funds made available to the organization will not be used to supplant funds from nonfederal sources. The area agency need not require that these organizations also provide meals to older individuals in a congregate setting.]*

*[(6)]***(5)** Eligibility of individuals to receive nutrition services shall be determined as follows:

(B) Any person aged sixty (60) years or over who is homebound by reason of illness, incapacitating disability or is otherwise isolated shall be determined eligible for home-delivered nutrition services. Occasional escorted trips from the home for medical or other necessary services will not affect the individual's eligibility for home-delivered meals. The following conditions shall be met:

1. The area agency **on aging** shall require an assessment of the individual's eligibility for home-delivered nutrition services prior to initiation of the service and assess the individual's need for continued service at least annually after that. In emergency situations, home-delivered meals may be delivered for a maximum of five (5) days prior to the initial assessment of eligibility; and

2. The area agency **on aging** shall develop written criteria by which to determine if the spouse and/or primary caregiver who resides in the home, regardless of their age or condition of the spouse, may receive a home-delivered meal. The criteria developed shall assure that the receipt of the meal by the spouse and/or caregiver is in the best interest of the homebound older *[person]* **adult**;

(C) *[Persons]* **Adults** with disabilities under sixty (60) years of age who reside in housing facilities occupied primarily by *[the elderly]* **older adults** at which congregate nutrition services are provided may receive congregate nutrition services. Any person meeting these requirements also may be eligible to receive home-delivered nutrition services provided the procedures of paragraph *[(6)](5)(B)2[.]* are followed; and

(D) Under the Social Services Block Grant (SSBG), *[persons]* **adults** with disabilities under sixty (60) years of age who do not reside in housing facilities occupied primarily by *[the elderly]* **older adults** may be eligible to receive congregate nutrition services. Any person meeting these requirements also may be eligible to receive home-delivered nutrition services under SSBG provided procedures in paragraph *[(6)](5)(B)2[.]* are followed.

*[(7)](6)* The area agency **on aging** may allow guests under sixty (60) years of age to eat a meal at a nutrition center provided that—

*[(8)](7)* The area agency **on aging** may allow nutrition center volunteers under sixty (60) years of age to eat a meal at the nutrition center. If volunteer meals are allowed, the criteria shall allow these meals only if—

*[(9)](8)* The area agency **on aging** shall request prior approval from the division for any new nutrition centers, construction of nutrition centers, renovation of nutrition centers or relocation of existing nutrition centers.

*[(10)](9)* The area agency **on aging** shall request prior approval, in writing, from the division for any proposed termination of a nutrition center and shall not terminate any nutrition center until written approval has been received from the division.

*[(11)](10)* The area agency **on aging** shall report the occurrence or suspicion of a food-borne illness to the appropriate health authorities and the division. The area agency **on aging** shall cooperate with health authorities and keep the division informed of the investigation status as well as provide notice of resolution.

*[(12)](11)* The area agency **on aging** shall hire or retain the services of a qualified dietitian/nutritionist who does monitoring and provides technical assistance to service providers in the areas of food and nutrition. The dietitian/nutritionist shall meet one (1) of the following qualifications:

*[(13)](12)* The area agency **on aging** shall provide for technical assistance/training to nutrition service provider's staff and volunteers that shall include, but not necessarily be limited to, meal cost and portion control, commodity/cash use, nutrition education, nutrition policies and standards, modified diets, food buying and preparation, food inventory, menu planning, kitchen design, purchase of equipment, fire and safety procedures, sanitation, first-aid and emergency life-saving techniques.

(B) In all other areas, technical assistance and training may be provided by other area agency **on aging** staff who have been trained in the subject matter.

*AUTHORITY: section [660.050]192.2000, RSMo [Supp 1999]2016.\* This rule was previously filed as 13 CSR 15-6.145 and 13 CSR 15-4.240. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Amended: Filed June 3, 1991, effective Oct. 31, 1991. Amended: Filed May 12, 2000, effective Nov. 30, 2000. Moved to 19 CSR 15-4.240, effective Aug. 28, 2001.*

\*Original authority: 660.050, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995.

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Health and Senior Services, Division of Senior and Disability Services, Melanie Highland, Division Director, PO Box 570, Jefferson City, MO 65102-0570. Telephone: (573) 526-3626. Email: DSDSDirectorsOffice@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*