

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-~~[7.060]~~4.245 Nutrition Service Standards. The department is amending the purpose statement, sections (1) - (4), (6) - (11) and (13) - (15), and chapter number; and deleting sections (5) and (12).

PURPOSE: The amendment updates terminology, legal authority, and procedural requirements; and moving the rule from chapter 7 to chapter 4.

*PURPOSE: This rule establishes the minimum standards for providing nutrition services for [the elderly]**older adults** with federal or state funds.*

(1) A unit of nutrition service is one (1) **qualifying** meal—

(A) Served to a service recipient in a center for congregate nutrition services; or

(B) Delivered to a homebound service recipient's home for home-delivered nutrition services.

(2) Nutrition service providers shall provide services and meet all requirements set forth in ~~[13]~~19 CSR 15-7.010.

(3) Staffing and Training.

(A) There shall be an administrator who shall be responsible for the operation of the senior center and ~~[the service]~~ **nutrition services provided by the center**. The administrator, or a person designated by the administrator, shall be present in the senior center at all times the senior center is open.

(B) There shall be an adequate number of staff (paid or volunteer) who are qualified to perform assigned functions in order to implement the activities and services of the senior center.

(C) Training Requirements.

1. Administrator—six (6) hours~~[']~~ orientation plus twelve (12) hours~~[']~~ supervised on-the-job training and an additional four (4) hours~~[']~~ in-service training per quarter or sixteen (16) hours annually.

2. Cook—four (4) hours~~[']~~ orientation plus six (6) hours~~[']~~ supervised on-the-job training and additional two (2) hours~~[']~~ in-service training per quarter or eight (8) hours annually.

3. Cook helper—two (2) hours~~[']~~ orientation plus four (4) hours~~[']~~ supervised on-the-job training and an additional one (1) hour in-service training per quarter or four (4) hours annually.

(4) Record Keeping. The following additional records shall be maintained by nutrition service providers:

(A) Daily record documenting persons who receive meals, both congregate and home-delivered, following a method developed by the area agency **on aging** and approved by the division;

(B) Meal count or reports, including total ~~[United States Department of Agriculture (USDA)]~~ **Nutrition Services Incentive Program (NSIP)**-eligible meals, ~~[USDA]~~NSIP-eligible meals served to low-income ~~[elderly]**older**~~ minority ~~[persons]~~ **adults**, meals served to ~~[handicapped persons]**adults with disabilities**~~ eighteen to fifty-nine (18–59) and meals **served to** ineligible guests and staff;

(C) Perpetual and physical inventory records for all foods; and

(D) Food Cost Records.

[(5) Nutrition Education.

(A) *Each senior center shall provide nutrition education programs to service recipients at least quarterly. Programs and literature shall be planned approved by a qualified dietitian or nutritionist.*

(B) *Each home-delivered meals provider shall provide nutrition education materials to homebound recipients on a quarterly basis.]*

[(6)](5) Equipment Requirements.

(A) Whether the senior center is catered or has an on-site food preparation kitchen, adequate equipment shall be available to keep refrigerated foods at or below forty-one degrees Fahrenheit (41°F), heated foods above one hundred forty degrees Fahrenheit (140°F) and frozen foods at or below zero degrees Fahrenheit (0°F).

(B) Specific equipment required for all centers serving meals is as follows:

1. A home-style or commercial range;
2. A home-style or commercial refrigerator;
3. A handwashing sink;
4. A three (3)-vat sink or other acceptable method for dishwashing;
5. A hot table if the senior center serves a total of thirty (30) meals or more per day (if the senior center serves fewer than thirty (30) meals per day, the meals can be served directly from the insulated carriers, provided meal service begins immediately after the food arrives);

6. A cold table or another acceptable method of keeping cold food at the proper temperature during food service; and

7. Additional equipment as needed and required by the area agency **on aging**.

(C) Additional equipment required for on-site food preparation senior centers is as follows:

1. A range with an automatic range-hood extinguishing system, preferably commercial;
2. Adequate number of refrigerators and freezers, preferably commercial;
3. A three (3)-vat sink; and
4. Other equipment as determined by the area agency **on aging** (ice machine, mixer, dishwasher and the like).

(D) Insulated carriers for delivery of the food are required for senior centers receiving bulk prepared foods.

[(7)](6) Menu Planning Requirements.

(A) If one (1) meal per day is served, it shall contain a minimum thirty-three and one-third percent (33 1/3%) of the daily *[Recommended Dietary Allowance (RDA)] Dietary Reference Intakes (DRI)* as established by the Food and Nutrition Board of the *[National Research Council of the National Academy of Sciences] National Academies of Sciences, Engineering, and Medicine*. A minimum of sixty-six and two-thirds percent (66 2/3%) of the *[RDA] DRI* shall be provided if two (2) meals are served, and one hundred percent (100%) of the *[RDA] DRI* shall be provided if three (3) meals are served. **The area agency on aging shall follow the U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025*. 9th Edition. December 2020, which has been incorporated by reference in this rule, as published by the United States Department of Health and Human Services, 200 Independence Avenue, S.W. Washington, D.C. 20201, and the United States Department of Agriculture, 1400 Independence Ave., S.W. Washington, DC 20250. A copy is available on Dietary Guidelines for Americans Website at <https://www.dietaryguidelines.gov/> . This rule does not incorporate any subsequent amendments or additions.**

(B) A twenty to twenty-eight (20–28) day menu cycle shall be developed to be repeated for a three (3) month period. Suggestions from service recipients shall be solicited regarding menu choices.

(C) Standardized recipes shall be used to assure consistent quality and quantity.

(D) Menus shall be reviewed and certified by [*a nutritionist or dietitian. This*] **an individual who [must] meets the standards set forth in [13] 19 CSR 15-4.240(12) at least annually.** Copies of all certified menus shall be submitted to the area agency **on aging** and shall be maintained for at least [*one (1)*] **three (3)** years.

(E) Menu substitutions shall be made in accordance with the established procedures of the area agency **on aging**.

[(F) Menus shall conform to the meal patterns and principles of menu planning provided by the division. Refer to menu plan at the end of this rule which is incorporated by reference.]

[(8)](7) Special menus [requirements are as follows:]

*[(A) Special menus] shall be provided to meet the particular dietary needs arising from the health requirements, religious requirements or [*ethnic*] **cultural** backgrounds of service recipients, where [*appropriate*] **reasonable**[;].*

[(B) At a minimum, minor modifications shall be made to the regular menus as follows:

1. For a diabetic diet, a baked, broiled or boiled meat entree, fresh or unsweetened canned fruits for dessert, two percent (2%) milk and vegetables with no fat seasonings shall be provided;

2. For a four gram (4 gm) sodium diet, salt shall be reduced to one-half (1/2) the amount indicated in baked goods recipes, no salt or high sodium condiments added in cooked foods and a low sodium entree choice offered if a high sodium entree is on the regular menu, low sodium vegetable choice offered if a high sodium vegetable is the regular menu (for example, sauerkraut);

3. For a low-fat/cholesterol diet, a baked, broiled or boiled meat entree (except that no liver, no cheese containing more than five grams (5 gm) fat per ounce, and no egg yolks shall be served as entrees), skimmed milk, polyunsaturated margarine in cooking and for table use (up to one (1) teaspoon) and a low-fat dessert shall be provided; and

4. All other food items may be as listed on the regular menu;]

*[(C)](A) Special meals provided for health requirements shall be planned, prepared and served under the supervision/consultation of a dietitian/**nutritionist**. Copies of all certified menus shall be maintained on file by the area agency **on aging** for at least [*one (1)*] **three (3)** years;*

[(D)](B) The persons responsible for the service of special diets shall be trained to make appropriate substitutions based on food values;

*[(E)](C) Diet counseling, if provided, shall be conducted by a dietitian/**nutritionist**, according to the individual's diet prescription which shall be obtained from the service recipient's physician;*

*[(F)](D) A diet prescription may be obtained for persons receiving home-delivered special meals. Any prescription on file shall be kept current and shall be reviewed at least annually with the service recipient's physician; **and***

*[(G)](E) Individuals with a strict dietary regimen shall be referred to the medical profession **for** management of dietary needs[; and].*

[(H) The current Missouri Diet Manual shall be used as a reference in developing special diets.]

[(9)](8) Requirements for handling prepared foods are as follows:

*(A) A two (2) ounce separate sample of each [*potentially hazardous*] **time/temperature control for safety** food item served shall be refrigerated and kept at least seventy-two (72) hours. Sample(s) shall be available for analysis by the Department of Health if a food-borne illness is suspected;*

(B) *[Potentially hazardous]* **Time/Temperature control for safety** food which has been held at one hundred forty degrees Fahrenheit (140°F) or higher over four (4) hours or between forty-one degrees and one hundred forty degrees Fahrenheit (41°–140°F) for two (2) hours and any prepared food that has lost its quality shall not be served and shall be destroyed;

(C) Foods that are usually considered safe to store, such as fruits, vegetables, cake, breads, cookies, ice cream and fruit pies, may be retained for use while quality remains acceptable;

(D) The proper equipment shall be used to maintain hot foods at or above one hundred forty degrees Fahrenheit (140°F) and cold foods at or below forty-one degrees Fahrenheit (41°F) while serving. Hot and cold food temperatures shall be checked immediately prior to service and recorded daily. Records must be kept for **three years** *[six (6) months]* at the center;

(E) When cooling, food shall be placed no more than two inches (2") deep in a container, covered and immediately placed in the refrigerator or freezer so it will cool to forty-one degrees Fahrenheit (41°F) or below as rapidly as possible. Once food is cooled to forty-one degrees Fahrenheit (41°F) or below, it may be stored in a container more than two inches (2") deep;

(F) When transporting prepared foods, the following procedures shall be used:

1. Hot food shall be delivered within three and one-half (3 1/2) hours following end preparation time. This limit includes the time required for packaging foods by the caterer, transporting to the centers, holding time at the center, packaging meals for home-delivered meal recipients and transporting meals to the home; and

2. Hot foods delivered to the center shall be at a minimum temperature of one hundred forty degrees Fahrenheit (140°F) and cold foods shall be at a maximum temperature of forty-one degrees Fahrenheit (41°F). A daily record of the delivery time and temperature of the food when received shall be kept at each center. Records must be kept for **three years** *[six (6) months]* at the center;

(G) Meal service shall be scheduled so that food is available for at least thirty (30) minutes after serving begins;

(H) Appropriate serving utensils shall be used for food portion control;

(I) Appropriate food containers and utensils for **service recipients who are blind or otherwise [handicapped] disabled** *[service recipients]* shall be available for use upon request; **and**

(J) *[Service recipients should be discouraged from taking potentially hazardous foods from the center.]* **Area Agencies on Aging may develop their own policies, in accordance with local public health codes, for allowing leftover foods to be removed from the center.** It is recommended that centers include information about food safety in nutrition education. *[/; and]*

[(K) Leftover foods shall not be given or sold to another organization, employee, volunteer or service recipient to take from the center.]

[(10)] **(9) Food Storage Requirements for All Foods** *[, Including USD Commodities]*.

(A) Cleaning supplies and *[clearly labeled]* pesticides shall be **clearly labeled and** stored in separate locations from food products;

(B) Food products shall be stored at least six inches (6") above the floor;

(C) Dry food storage shall be well-ventilated, away from direct sunlight and maintained between fifty degrees Fahrenheit and seventy degrees Fahrenheit (50°F–70°F);

(D) All refrigerated foods shall be maintained at or below forty-one degrees Fahrenheit (41°F);

(E) Frozen foods shall be maintained at or below zero degree Fahrenheit (0°F);

(F) Inventory of all foods shall be depleted on a first-in/first-out basis;

(G) Adequate transportation for all foods shall be provided as required; and

(H) Thermometers shall be kept in each refrigerator and freezer and temperatures shall be checked and recorded daily. Records must be kept for **three years** *[six (6) months]* at the centers.

*[(11)]***(10)** Health and Sanitation Requirements.

(A) Personnel with symptoms of communicable disease or open or infected wounds shall not be permitted to handle food.

(B) All food handlers shall use effective hair restraints. Effective restraints are devices which both cover and hold hair, such as hair nets, caps, hats and bandannas. Hair spray is not an acceptable hair restraint.

(C) Equipment and work areas shall routinely be cleaned and sanitized according to a posted written schedule.

(D) Disposables shall be discarded by a locally approved sanitary method.

(E) If a garbage disposal is not used, waste shall be kept in leak-proof containers with close fitting lids and disposed of daily. Waste containers shall be cleaned daily.

(F) Dishes and utensils washed in water temperatures of less than one hundred fifty degrees Fahrenheit (150°F) and rinsed at less than one hundred eighty degree Fahrenheit (180°F) shall be chemically sanitized. When single-tank, stationary-rack and door-type machine using chemicals for sanitizing are used, the wash water shall not be less than one hundred twenty degrees Fahrenheit (120°F) and rinse water not less than seventy-five degrees Fahrenheit (75°F). If the dishwashing machine uses hot water for sanitizing, the wash water shall be at least one hundred fifty degrees Fahrenheit (150°F) and the final rinse at least one hundred-eighty degrees Fahrenheit (180°F). A test kit or other device that accurately measures the parts per million concentration of the solutions shall be provided and used.

(G) All dishes and utensils shall be air dried.

(H) Disposable towels and soap shall be available at the handwashing sink in the kitchen.

(I) A handwashing sign shall be posted in the rest room.

(J) Methods of insect and rodent control shall be used on a regularly scheduled basis.

(K) A product thermometer must be available and used to check internal food temperatures required.

[(12)] *USDA Commodity Foods or Foods Purchased With USDA Cash.*

(A) The nutrition provider shall—

1. Accept and use USDA commodity foods or foods purchased with USDA cash that are made available; and

2. Provide adequate transportation for USDA foods as required.]

*[(13)]***(11)** Nutrition service providers shall—

(A) Provide outreach services;

(B) Coordinate activities with the *[Missouri Division of Family Services]* **Missouri Department of Social Services, Family Support Division** to facilitate participation of eligible persons in the *[Food Stamp Program]* **Supplemental Nutrition Assistance Program (SNAP)** and assist service recipients in taking advantage of the benefits available to them under the Food Stamp Program. All centers may be authorized to accept food stamps; and

(C) Comply with the requirements of the area agency **on aging** regarding eligibility of individuals to receive nutrition services (see *[13]19* CSR 15-4.240(*[7]6*)–(*[9]8*)).

*[(14)]***(12)** Senior Centers.

(A) Senior centers shall be visible within the community and located as close as possible *[and, where feasible and appropriate, within walking distance]* to the majority of *[the elderly]* **older [persons] adults**.

(B) Physical Plant Requirements.

1. Senior centers shall have a minimum of fifteen (15) square feet per service recipient to assure adequate space for programs and activities. Food preparation, office and storage areas are not included in this minimum.

2. Adequate storage space shall be available as well as adequate space for hanging and storing coats, wraps and packages.

3. Senior centers shall be clean and have an attractive appearance. Walls, ceilings, floors and furniture in a center shall be of smooth, easily cleanable materials. Maintenance shall be performed daily to assure the center is clean, neat and safe.

4. Adequate lavatory facilities shall be available. The number of rest rooms shall be adequate for the size of the facility and number of persons served with at least one (1) barrier-free restroom each for men and women.

(C) Each senior center shall provide—

1. Services to older *[persons]* **adults** at least five (5) days per week with sufficient hours to meet community needs;

2. Hot or other appropriate meals at least once a day, five (5) or more days a week;

[3. At a minimum, an average of fifty (50) meals a day at each senior center cooking on-site;]

*[4]***3.** A variety of supportive services;

*[5]***4.** An information area with a bulletin board, display rack or other method of posting information which is easily accessible and well-lighted. Notices should be attractive, easy to read and placed within eye level;

*[6]***5.** An easy-to-read posted monthly activities calendar in an area which is highly visible and accessible to service recipients; and

*[7]***6.** A posted, attractive, easy-to-read, weekly menu in a conspicuous location in the dining room on Friday of the week prior to service.

*[(15)]***(13)** Home-delivered meals service providers shall—

[(A) Assess the need for home-delivered meals among the elderly within the community they serve;]

*[(B)]***(A)** Provide identification other than the meal container which is easily recognizable through a door or window for the person delivering the meals to the service recipient's home, *[when the deliverer is not personally known to the recipient]* **such as an identification badge;**

[(C) Assess and document an individual's eligibility to receive home-delivered meals prior to initiation of the service and reassess the need for services at least annually. A shorter eligibility period may be appropriate in certain circumstances, such as persons with short-term needs after illness or surgery.]

1. *When referrals are received from the division, the division's assessment and reassessment of the service recipient will be sufficient documentation of eligibility. The service recipient's assessment card shall document that referral was received from the division and an assessment made by the division established eligibility for the home-delivered meal. The senior center shall then complete the necessary forms for client registration as defined by the area agency.*

2. *In emergency situations, home-delivered meals may be delivered for a maximum of five (5) days prior to the initial assessment of eligibility;]*

*[(D)]***(B)** Maintain a list in priority order of homebound persons requesting meals for which units of service are not available. Priority will be based on published criteria developed by the area agency **on aging;**

[(E)](C) Use insulated carriers to assure that foods delivered to home-delivered meal recipients are at the proper temperature, over one hundred forty degrees Fahrenheit (140°F) for hot food and at or below forty-one degrees Fahrenheit (41°F) for cold food. **Frozen foods shall be delivered frozen.** Check and record at least quarterly, the temperature of hot and cold food items at the end of delivery on each home-delivered meal route. All equipment used in transporting foods shall have smooth cleanable surfaces, be cleaned and sanitized daily or be disposable;

[(F)](D) Deliver hot foods to the service recipient within three and one-half (3 1/2) hours following end preparation time. Record time meal preparation ended and time last meal was delivered at least quarterly for each route;

[(G)](E) Make available home-delivered meals at least once a day, five (5) or more days a week; and

[(H)](F) Arrange for the availability of meals to service recipients in weather-related emergencies.

*AUTHORITY: section[660.050] 192.2000, RSMo [Supp. 1999] 2016. * This rule was previously filed as 13 CSR 15-6.155 and 19 CSR 15-7.060. 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 Nov. 14, 1991, effective March 9, 1992. Amended: Filed May 12, 2000, effective Nov. 30, 2000. Moved to 19 CSR 15-7.060, effective Aug. 28, 2001. Amended and moved to 19 CSR 15-4.245: Filed _____.*

**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 rule with Missouri Department of Health and Senior Services, Division and 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.*