

**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 15-4.250 Area Agency on Aging [USDA] Nutrition Services Incentive Program.** The department is amending the purpose statement and sections (1) and (5), and deleting sections (2), (3), (4), (6) and (7).

*PURPOSE: This amendment updates the nutrition program name, terminology and statutory authority.*

*PURPOSE: This rule requires area agency **on aging** participation in the [United States Department of Agriculture commodity/cash program] **Nutrition Services Incentive Program** and describes the requirements for participating in the program.*

(1) The area agency **on aging** shall accept and distribute [United States Department of Agriculture (USDA) commodities or cash] **funds received through the Nutrition Services Incentive Program (NSIP)** to nutrition service providers based on the percentage of eligible meals served within the planning and service area.

*[(2) Contracts with warehouses for the storage of USDA commodities foods shall include the following:*

- (A) A method of receiving or rejecting commodity deliveries from USDA;*
- (B) A cost per unit for receiving, warehouse storage and removal of commodities;*
- (C) An accountable recordkeeping system;*
- (D) A method of handling losses and determining responsibility for losses; and*
- (E) A cancellation clause.*

*(3) Contracts for transporting commodities shall include the following:*

- (A) The dates or days of week on which deliveries are to be made;*
- (B) The charges and method of payment;*
- (C) The method of receiving commodities from warehouse;*
- (D) The refrigeration requirements for frozen foods;*
- (E) The method of reporting losses and responsibility for reimbursing the area agency on aging for losses;*
- (F) The procedure for receiving commodities at center or caterer;*
- (G) An accountable recordkeeping system; and*
- (H) A cancellation clause.*

*(4) The area agency shall develop a management system to assure that USDA commodities and foods purchased with USDA cash shall be used to achieve maximum benefit. The system shall include the following:*

- (A) The maximum amount of commodity and USDA cash foods a nutrition center may have on inventory shall be established; and*
- (B) The right shall be retained by the area agency to redistribute foods from one (1) nutrition center to another when necessary for best utilization.]*

*[(5)](2)* The area agency **on aging** shall develop procedures to assure that *[USDA cash is]* **NSIP funds** are used in compliance with *[USDA]* requirements **under Section 311 of the Older Americans Act**. These procedures shall include, but are not limited to, the following:

(A) All *[cash]* **funds** received from *[USDA]* **NSIP** shall be spent to purchase United States agricultural food items;

*[(B) For area agencies electing to use commodities, the USDA cash shall not be used to purchase food items currently available from the USDA commodity food program, unless the item is in short supply (less than three (3) months' supply available to the area agency on aging) and a USDA notice of shipment due within two (2) months has not been received by the area agency for the food item;]*

*[(C)](B)* All purchases made with *[USDA cash]* **NSIP funds** shall be documented by one (1) of the following methods:

1. If food is purchased through bid, the invoice shall show the number of units and unit cost, with a copy of the bid specification attached that contains the **following** statement~~[.]~~, “The food is to be United States-produced”;

3. The contract for catered meals shall contain a clause stating the *[USDA cash]* **NSIP funds** shall be spent for United States-produced foods only and shall inure only to the benefit of the nutrition program; and

*[(D)](C)* The area agency **on aging** will monitor the nutrition service provider to assure adequate documentation is maintained for all these purchases.

*[(6) Prior approval of the USDA regional office shall be obtained before the area agency releases USDA commodities for use during a disaster/emergency. The area agency shall contact the division in order to initiate the approval process and provide the following information:*

*(A) The disaster agency that is financially responsible;*

*(B) The type of disaster, that is flood, tornado;*

*(C) The specific counties involved in the disaster;*

*(D) The location and name(s) of the disaster agency's contact person(s);*

*(E) An identification of the affected population and estimate of number of persons to be fed;*

*(F) The estimated number of days or weeks meals may be needed; and*

*(G) The number of times per day meals will be provided.*

*(7) During a disaster/emergency, the area agency shall keep daily records on USDA commodity use that include the following:*

*(A) The number of people fed;*

*(B) The number of meals served;*

*(C) The USDA commodity food items used; and*

*(D) The total value of each food item, including storage and delivery costs.]*

*AUTHORITY: section[660.050] 192.2000, RSMo [Supp. 1988] 2016. \* This rule was previously filed as 13 CSR 15-6.150 and 13 CSR 15-4.250. Original rule filed Jan. 6, 1986, effective April 30, 1986. Amended: Filed Feb. 17, 1988, effective June 15, 1988. Moved to 19 CSR 15-4.250, effective Aug. 28, 2001.*

\*Original authority: 660.050, RSMo 1984, amended 1988.

*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.*