

## **PROGRAM: TITLE IIIC NUTRITION**

**IIIC1 Congregate Nutrition Services** means nutrition services for older individuals in a congregate setting. Services include meals, nutrition education, nutrition risk screening and opportunities for socialization. Each meal shall provide one-third (1/3) of the Dietary Reference Intakes (DRI) and comply with the most current Dietary Guidelines for Americans (DGA). To be an eligible Title IIIC-1 congregate nutrition site, the site must meet all of the following criteria:

- a. Be open to the public.
- b. Not means test.
- c. Provide participants the opportunity to make voluntary contributions and not deny service for not contributing to the cost of the service.
- d. Not receive funds from another source for the cost of the same meal, equipment, or services.

**Title IIIC2 Home-Delivered Nutrition Services** means nutrition services provided to frail, homebound or isolated individuals including meals, nutrition education and nutrition risk screening. Each meal shall provide one-third (1/3) of the DRI and comply with the most current Dietary Guidelines for Americans.

**To Go Meals** means meals that are picked up by clients who are not comfortable dining in a congregate meal setting.

- a. **C-1 “to go” meals** are categorized as C-1 meals if they are consumed onsite and include in-person interaction (e.g. dining at food truck or one-on-one with program volunteer) or consumed offsite and include virtual interaction via Zoom, FaceTime, etc. or one-on-one with program volunteer via telephone) during the meal.
- b. **C-2 “to go” meals** are categorized as C-2 if they are consumed offsite without in-person or virtual interaction.

**Nutrition Education.** A program to promote better health by providing accurate and culturally sensitive nutrition, physical fitness, or health (as it relates to nutrition) information and instruction to participants, caregivers, or participants in a group or individual setting overseen by a dietitian or individual of comparable expertise. Methods of education may include demonstrations, audio-visual presentations, or small group discussions for congregate program participants. Handout materials may be used, but not limited to, as the sole educational component for home-delivered meals. Nutrition education plans must be approved by the AAA RD. Nutrition education must be provided quarterly.

**Nutrition Services Incentive Program (NSIP)** means the program whose purpose is to provide incentives to encourage and reward effective performance by AAA’s in the efficient delivery of nutritious meals to older individuals. The program consists of a cash allotment based on the ratio of the number of meals served by each Planning and Service Area (PSA) compared to the total number of meals served in the state in the prior fiscal year.

**"Nutrition screening"** means completion of a nutrition screening checklist by eligible individuals to determine if they are at nutrition risk. A nutrition screening checklist is a federal public information collection requirement in the National Aging Program Information System (NAPIS).

**Registered Dietitian"** means a person who shall be both:

- (1) Qualified as specified in Sections 2585 and 2586, Business and Professions Code, and,
- (2) Registered by the Commission on Dietetic Registration.

**Volunteer"** means an individual who provides services without pay, but may receive reimbursement for expenses.

### **ELIGIBLE SERVICE POPULATION**

**A. Eligible Service Population for Title III C-1 and C-2** means individuals who are 60 years of age or older, **with emphasis on those in greatest economic and social need with particular attention to low-income minority older individuals, individuals with Limited English Proficiency and older individuals residing in rural areas.**

**Individuals eligible to receive a meal at a congregate nutrition site are:**

- i. Any older individual.
- ii. The spouse of any older individual
- iii. A person with a disability, under age sixty (60) who resides in housing facilities occupied primarily older individuals at which congregate nutrition services are provided.
- iv. A disabled individual who resides at home with and accompanies an older individual who participates in the program.
- v. A volunteer under age sixty (60) if doing so will not deprive an older individual sixty (60) or older of a meal.

**Individuals eligible to receive a home-delivered meal are individuals who are:**

- i. Frail as defined by 22 CCR 7119, and homebound by reason of illness or disability, or otherwise isolated. (These individuals shall be given priority in the delivery of services.)
- ii. A spouse of a person in 22 CCR 7638.7(c)(2), regardless of age or condition, if assessment concludes that it is in the best interest of the homebound older individual.
- iii. An individual with a disability who resides at home with older individuals, if an assessment concludes that it is in the best interest of the homebound older individual who participates in the program.

### **ELIGIBLE SERVICES AND ELIGIBLE SERVICE UNIT DEFINITIONS**

A. Approved services and service unit definitions to be provided under this contract are included in the attached Work Plan.

### **TITLE III PROGRAM ASSURANCES**

The Contractor shall assure that the following conditions are met:

1. Services are provided only to the defined Eligible Service Population.
2. Funds are made available by the AAA only in support of activities specified in the approved budget and work plan contained in this Agreement.
3. An individual's receipt of services under the In-Home Supportive Services Program shall not be the sole cause for denial of any services provided by the AAA or its contractors.

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4. The Contractor assures that voluntary contributions shall be allowed and may be solicited in accordance with the following requirements [OAA § 315 (b)]
  - a. Means tests shall not be used by any Contractor for any Title III or Title VII-A services.
  - b. Services shall not be denied to any Title III or Title VII client that does not contribute toward the cost of the services received.
  - c. Methods used to solicit voluntary contributions for Title III and Title VII services shall be non-coercive.
  - d. Each service provider will:
    - (i) Provide each recipient with an opportunity to voluntarily contribute to the cost of the service;
    - (ii) Clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary;
    - (iii) Protect the privacy and confidentiality of each recipient with respect to the recipient's contribution or lack of contribution
    - (iv) Establish appropriate procedures to safeguard and account for all contributions and to supplement (not supplant) funds received under this Act.
    - (v) Use all contributions to expand the services for which the funds were given and to supplement (not supplant) funds received under this Act.
5. Donation letters sent to clients for Title III and Title VII services shall stipulate that contributions are voluntary and not required to receive service.
6. Donation letters may not resemble a bill or a statement.
7. Cost Sharing shall not be implemented for any Title III and Title VII service until so notified by the AAA.
8. Collected contributions shall be used to supplement (not supplant) funds received under this Act.
9. Proof of age, citizenship or disability shall not be required as a condition of receiving services.

**ASSURANCES SPECIFIC TO THE NUTRITION PROGRAM**

1. Contractor shall have policies in place to ensure that meals are only received by eligible individuals.
2. If federal and/or State funds for meal programs increase, the number of Title III C-1 and C-2 meals served shall be maintained or increased.
3. This contract shall promote and maintain high standards of food safety and sanitation as required by the California Retail Food Code (CalCode).
4. Signage and menus at nutrition sites shall invite participants to contribute towards the cost of meals provided and include language stating that no participant will be denied service for lack of contribution.
5. Contractors shall annually assess each Title III C-1 and C-2 client's nutrition risk using the Determine Your Nutritional Risk checklist published by the Nutrition Screening Initiative.
6. Contractors shall ensure that home-delivered meals clients are assessed in the home within two weeks of initial assessment. Assessments must be done quarterly, alternating with in-home and phone assessments.

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7. If Contractor determines a need for a wait list, a written procedure must be developed and approved by the AAA.
8. Contractor shall ensure that Title IIIC meals are compliance with the Older Californians Nutrition Program Menu Guidance.
9. Contractor must notify the AAA of any changes in meal service including site closures, changes in hours, etc.

**ELDERLY NUTRITION PROGRAM PROVIDER ADMINISTRATION**

- (a) Each Elderly Nutrition Program provider shall establish and administer nutrition services with the advice of a registered dietitian in accordance with Section 339 of the OAA (42 U.S.C. 3030g-21), and follow the general requirements in Section 7500 of this Division.
- (b) Each Elderly Nutrition Program shall:
  - (1) Provide at least one (1) meal per day.
  - (2) Serve meals at least five (5) days per week throughout the service area, but not necessarily five (5) days per week at each site.
  - (3) Operate at a lesser frequency in a service area where such frequency is not feasible and a lesser frequency is approved by the Department if the AAA is directly providing the services, or by the AAA if the services are being provided under contract.
  - (4) Comply with the CRFC and their local health department regarding safe and sanitary preparation and service of meals.
  - (5) Comply with the Division of Occupational Safety and Health (Cal/OSHA), California Department of Industrial Relations requirements regarding staff and participant safety.
  - (6) At a minimum, quarterly monitor for safe food handling and sanitation practices of food facilities.
  - (7) Conduct a nutrition screening of congregate and home-delivered meal participants in accordance with Federal requirements.
  - (8) Where feasible and appropriate, make arrangements for the availability of meals to participants during a major disaster.
  - (9) When it is known or reasonably suspected that a program participant has been the victim of abuse, report the abuse to the authorities in accordance with Section 15630, Welfare and Institutions Code.

**Staff Qualifications**

- (a) The nutrition services provider shall have a manager on staff who shall conduct the day-to-day management and administrative functions of the Elderly Nutrition Program, and either have (1), (2), or (3):
  - (1) Possess an associate degree in institutional food service management, or a closely related field, such as, but not limited to, restaurant management, plus two (2) years experience as a food service supervisor, or,
  - (2) Demonstrate experience in food service, such as, but not limited to, cooking at a restaurant, and within twelve (12) months of hire successfully complete a minimum of twenty (20) hours specifically related to food service management, business administration, or personnel management at a college level. Prior to completion of meeting the hours, this individual's performance shall be evaluated through quarterly monitoring by a registered dietitian, or,

- (3) Two years experience managing food services. Such experience shall be verified and approved by a registered dietitian prior to hire
- (b) Personnel. There shall be, at a minimum, a manager as required in (a) above, and a paid staff or volunteer. There shall also be a sufficient number of qualified staff with the appropriate education and experience to carry out the requirements of the Program. The total number of staff shall be based on the method and level of services provided, and size of the service area.
- (c) Preference to Older Individuals. Preference shall be given to hiring older individuals subject to the qualifications of the position.
- (d) Volunteer Services. Volunteers shall be recruited and used in any phase of program operations where qualified.

### **Staff/Volunteer Training Requirements**

- (a) All staff, paid and volunteer, shall be oriented and trained to perform their assigned responsibilities and tasks. Training, at a minimum, shall include:
  - (1) Food safety, prevention of foodborne illness, and HACCP principles.
  - (2) Accident prevention, instruction on fire safety, first aid, choking, earthquake preparedness, and other emergency procedures.
- (b) A yearly written plan for staff training shall be developed, implemented, and maintained on file by the nutrition services provider, as required in subsection 7636.7(c) below. The training plan shall identify who is to be trained, who will conduct the training, content of training, and when it is scheduled.
- (c) The nutrition services provider's registered dietitian shall review and approve the content of all staff training prior to presentation.
- (d) A minimum of four (4) hours of staff training shall be provided annually, by providers, for paid and volunteer food service staff, including congregate and home-delivered meal staff
- (e) Training sessions shall be evaluated by those receiving the training.
- (f) Documentation of training to include evaluations and attendance records shall be maintained, as required in subsection 7636.7(c) below.

### **Records, Reports, Distribution of Information, and Confidentiality**

- (a) The nutrition services provider shall develop and maintain records on congregate and home-delivered meal participants that are in accordance with program requirements.
- (b) The nutrition services provider shall establish procedures to ensure the accuracy and authenticity of the number of eligible participant meals served each day. Such procedures shall be kept on file at the provider's site.
- (c) Nutrition services provider records and reports shall be made available for audit, assessment, or inspection by authorized representatives of the AAA, or the Department.
- (d) The nutrition services provider shall ensure that information about, or obtained from a participant's records, shall be maintained in a confidential manner.

### **Nutrition Services Incentive Program (NSIP) Funds**

The Secretary of Agriculture provides cash assistance in support of the Elderly Nutrition Program through the Nutrition Services Incentive Program (NSIP). These funds are distributed by the Department to the Area Agencies on Aging (AAA) based on a ratio of the number of meals served the prior year in the AAA to the total number of meals served throughout the state.

- (b) NSIP funds shall be used for meals which:

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- (1) Meet the dietary guidelines, as specified in Section 339 of the OAA (42 U.S.C. 3030g-21).
- (2) Are served to eligible participants
- (3) ) Are served to volunteers of any age.
- (4) Follow the provisions of "Offer Versus Serve", as found in 7 CFR 226.20(p):
  - (A) Congregate meal participants may be permitted to decline items due to preference or medical reasons. NSIP funds are not affected when a participant declines menu items.
- (c) Use of NSIP funds: NSIP funds shall be used to purchase food used in the Elderly Nutrition Program. **NSIP funds shall not be used to meet cost sharing or as matching funds for any other federal program.**

## **NUTRITION SERVICES REQUIREMENTS**

### **Requirements for Congregate Nutrition Services**

- (a) Each congregate meal provider shall:
  - (1) Include procedures for obtaining the views of participants about the services received.
  - (2) Not preclude the service of a meal to a participant who has failed to make a reservation when food is available.
- (b) Each congregate meal site shall meet all of the following:
  - (1) Have a paid staff or volunteer designated to be responsible for the day-to-day activities at each site, and physically be on-site during the time that Elderly Nutrition Program activities are taking place.
  - (2) Have restrooms, lighting, and ventilation which meet the requirements of the CURFFL.
  - (3) Have equipment, including tables and chairs that are sturdy and appropriate for older individuals. Tables shall be arranged to assure ease of access and encourage socialization

### **Requirements for Home-Delivered Nutrition Services**

Each home-delivered meal provider shall:

- (a) Develop and implement criteria to assess the level of need for home-delivered nutrition services of each eligible participant.
  - (1) An initial determination of eligibility may be accomplished by telephone.
  - (2) A written assessment shall be done in the home within two (2) weeks of beginning meal service, and shall include an assessment of the type of meal appropriate for the participant in their living environment.
  - (3) An older individual eligible for receiving home-delivered meals shall be assessed for need for nutrition-related supportive services, and referred as necessary.
  - (4) Reassessment of need shall be determined quarterly. Such reassessment shall be done in the home of the participant at least every other quarter.
- (b) Provide written instructions in the language of the majority of the participants for handling and re-heating of the meals.
- (c) Establish a waiting list for home-delivered meals whenever the home-delivered meal provider is unable to provide meals to all eligible individuals. The procedure must include provisions for prescreening individuals to determine eligibility, managing applicants placement on the, and removal from, the Wait List; periodically reviewing the eligibility and identified needs of applicants on the Wait List and assigning priority for enrollment based on Wait List. The AAA must review and approve provider wait list procedures.

**Nutrition Requirements of Meals.**

- (a) Compliance with dietary guidelines:
  - (1) Each meal shall provide the following to participating individuals:
    - (A) If the program provides one (1) meal per day, a minimum of one-third (1/3) of the Dietary Reference Intakes (DRIs).
    - (B) If the program provides two (2) meals per day, a minimum of two-thirds (2/3) of the DRIs.
  - (2) Meals shall comply with the Dietary Guidelines for Americans by the U.S. Department of Health and Human Services and the USDA.
- (b) A meal analysis approved by a registered dietitian shall be done to ensure compliance with subsection (a) above, using either:
  - (1) a meal component system, or
  - (2) a detailed nutritional analysis.
- (c) Food substitutions to meals originally planned must meet the requirements of this section and be approved by a registered dietitian.
- (d) Menus shall:
  - (1) Be planned for a minimum of four (4) weeks.
  - (2) Be posted in a location easily seen by participants at each congregate meal site
  - (3) Be legible and easy to read in the language of the majority of the participants..
  - (4) Reflect cultural and ethnic dietary needs of participants, when feasible and appropriate

**Contributions and Fees for Cost of Meals.**

- (a) An eligible individual who receives a meal shall be given the opportunity to contribute to the cost of the meal.
- (b) The nutrition services provider shall develop a suggested contribution. When developing this contribution amount, the income ranges of the older individuals in the community and the provider's other sources of income shall be considered.
- (c) A sign indicating the suggested contribution for eligible individuals, and the fee for guests, shall be posted near the contribution container at each congregate meal site. A guest fee shall cover all meal costs.
- (d) No eligible individual shall be denied participation because of failure or inability to contribute.
- (e) The provider shall ensure that the amount of the eligible participant's contribution is kept confidential.
- (f) The nutrition services provider shall establish written procedures to protect contributions and fees from loss, mishandling, and theft. Such procedures shall be kept on file at the provider's site.
- (g) All contributions and fees shall be identified as program income and used to increase the number of meals served, to facilitate access to such meals, and to provide nutrition-related supportive services.
- (h) A yearly written nutrition education plan shall be developed, implemented, monitored, and kept on file by the nutrition services provider as required in subsection 7636.7(c) above.

### **DATA REPORTING REQUIREMENTS SPECIFIC TO NUTRITION PROGRAMS**

1. Nutrition providers must purchase and use the Wellsky/SAMS database programs to enter all clients over the age of 60. Meal counts must be posted to the individual clients each month. Meals should only be entered in a number proportional to the Area Plan contract funds. **Nutrition Modernization funding meals should be tracked and reported separately.**
2. All nutrition participants must receive an annual Nutrition Risk screening and the Results of the Screening must be updated in the database.
3. For home-delivered meals recipients, the provider must ensure the provision of an initial in-home assessment within the first two weeks of service, and quarterly reassessments. The provider must maintain a system that documents the completion of the reassessments. At least annually, the assessment must be updated in the SAMS database.
4. Provider must verify that meal counts entered into SAMS match meal count documentation before submittal to the AAA.
5. NSIP meals, if provided, are reported manually on the Monthly Data Verification form.
6. Data submitted to the AAA must be timely, accurate and verifiable.
7. The Contractor shall provide quarterly data about wait list, if one exists, using a template provided by the AAA. The categories may include:
  - Number of unduplicated clients on the Wait List
  - Number of unduplicated clients removed from the Wait List
  - Number of new unduplicated clients added to the wait list

### **The following regulations govern AAA Nutrition Providers California Department of Aging Laws and Regulations**

[<http://www.aging.state.ca.us/html/regs/lawsandregs.html>]

- The **Older Californians Act** is found in the California Welfare & Institutions Code, Section 9000 to Section 9757.5.
- All **CDA regulations** are found in the California Code of Regulations, Title 22, Section 7100 to Section 8045. (included for reference)
- **Menu Requirements** [CDA Program Memo 07-13(P)] are incorporated with this Exhibit.
- **The California Retail Food Code (CRFC)** regulations are found in the California Health and Safety Code, Sections 113700 – 114437.

### **Federal Laws and Regulations**

- The **Older Americans Act** is found in the United States Code: Title 42, Chapter 35, Section 3001 to Section 3058ee.
- Federal regulations relating to Grants for State and Community Programs on Aging are found in the Code of Federal Regulations, Title 45, Part 1321, Section 1 to Section 83.