

173-4-02

**Older Americans Act nutrition program: meals eligible for payment.**

(A) Congregate dining: Meals offered at a congregate dining location are eligible for payment with Older Americans Act funds if they meet the requirements for meals in this chapter and if the recipient is one of the following:

- (1) A consumer who is sixty years of age or older.
- (2) The spouse of the consumer in paragraph (A)(1) of this rule, if the spouse accompanies that consumer to the congregate dining location.
- (3) A volunteer who provides volunteer services to the consumer in paragraph (A)(1) of this rule, if the volunteer services are provided to the consumer at the congregate dining location during the mealtime.
- (4) A person with disabilities who resides in the home of the consumer in paragraph (A)(1) of this rule, if the person with disabilities accompanies that consumer to the congregate dining location.
- (5) A person with disabilities who resides in a non-institutional residential building, but only if the building's residents are primarily sixty years of age or older and the meal is offered through a congregate dining location located in the person's building.

(B) Home-delivered meals: Meals delivered to a residence are eligible for payment with Older Americans Act funds if they meet the requirements for meals in this chapter and if the recipient is one of the following:

- (1) A consumer who is sixty years of age or older and meets the following requirements: unable to prepare his or her own meals, unable to consume meals at a congregate dining location due to physical or emotional difficulties, and lacking another meal support service in the home or community.
- (2) The spouse of the consumer in paragraph (B)(1) of this rule.
- (3) A volunteer who provides volunteer services to the consumer in paragraph (B)(1) of this rule.
- (4) A person with disabilities who resides in the home of the consumer in paragraph (B)(1) of this rule.

Replaces: 173-4-02  
Effective: 09/01/2016  
Five Year Review (FYR) Dates: 09/01/2021

CERTIFIED ELECTRONICALLY

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Certification

08/22/2016

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 173.392; Section 305(a)(1)(C) of the Older Americans Act of 1965, 70 Stat. 210, 42 U.S.C. 3001, as amended by the Older Americans Act Reauthorization Act of 2016; 45 C.F.R. 1321.11 (July 1, 2016).  
Rule Amplifies: 173.392; Sections 331, 336, and 339 of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended by the Older Americans Act Reauthorization Act of 2016.  
Prior Effective Dates: 03/05/2009, 04/22/2010.