

173-4-05.2 **Older Americans Act nutrition program: home-delivered meals projects.**

In every AAA-provider agreement for a home-delivered meals project paid, in whole or in part, with Older Americans Act funds, the AAA shall include the following requirements:

(A) General requirements:

- (1) In the AAA-provider agreement, the AAA shall include the requirements in rule 173-3-06 of the Administrative Code for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.
- (2) In the AAA-provider agreement, the AAA shall include the requirements in rule 173-4-05 of the Administrative Code for every AAA-provider agreement for a nutrition project.

(B) Delivery:

(1) Availability:

(a) Per-meal delivery:

- (i) To consumers who choose to receive per-meal deliveries and require meals on five or more days per week, the provider shall deliver at least one meal per day for five or more days per week.
- (ii) To consumers who choose to receive per-meal deliveries, but do not require meals on five or more days per week, the provider shall deliver at least one meal per day on days that the consumer requires meals.
- ~~(iii) To consumers who choose to regularly receive per-meal deliveries, but anticipate that they will not be home during an upcoming regular delivery, and who make arrangements with the provider to deliver an additional meal during a regular delivery for consumption at an upcoming time.~~

- (b) Periodic delivery: To consumers who choose periodic deliveries, in the AAA-provider agreement, the AAA shall not prohibit the provider from, in one delivery, delivering meals to cover multiple mealtimes.

(2) Successful deliveries: The provider shall only deliver meals to the consumer's

home when the consumer, or the consumer's caregiver, is home, unless otherwise authorized by the AAA.

~~(3) Electronic systems: In the AAA provider agreement, the AAA shall not prohibit the provider from using an electronic system to schedule meal deliveries and to optimize delivery routes.~~

(C) Emergency closings: The provider shall develop and implement written contingency procedures for emergency closings due to short-term weather-related emergencies, loss of power, kitchen malfunctions, natural disasters, etc. In the procedures, the provider shall include the following:

(1) Providing timely notification of emergency situations to consumers; and,

(2) Either the distribution of:

(a) Information to consumers on how to stock an emergency food shelf; or,

(b) Shelf-stable meals to consumers for an emergency food shelf.

(D) Quality assurance:

(1) Each year, the provider shall implement a plan to evaluate and improve the effectiveness of the project's operations and services to ensure continuous improvement. In the plan, the provider shall include a review of the existing project; modifications the provider made to respond to changing needs or interest of consumers, staff, or volunteers; and proposed improvements.

(2) In the AAA-provider agreement, the AAA shall not prohibit a provider from using an electronic system to collect and retain the records showing compliance with the continuous-improvement requirements in this rule.

(E) Delivery verification:

(1) The provider shall verify each meal delivery for which it bills the AAA using either an electronic or manual system. Regardless of the system used, the provider shall collect all the following information:

(a) Consumer's name.

(b) Delivery date.

(c) Number of meals delivered.

- (d) An identifier unique to the consumer, the consumer's caregiver, or the delivery person.
- (2) The identifier in paragraph (E)(1)(d) of this rule may be a handwritten or electronic signature or initials, a fingerprint, a mark, a stamp, a password, a bar code, or a swipe card.
- (3) The identifier in paragraph (E)(1)(d) of this rule shall serve as an attestation that delivery was made as indicated by the system.
- (4) In the AAA-provider agreement, the AAA shall not require the provider to use a particular system. Use of either system is acceptable.

~~(E) Delivery verification:~~

- ~~(1) At the time of each delivery, the provider shall verify that each meal for which it bills was delivered by one of the following two methods:~~
- ~~(a) The provider may use an electronic system if the system does all of the following:~~
- ~~(i) Collects the consumer's name, date, time, number of meals in the delivery, whether the delivery successfully reaches the consumer, and an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code) unique to the consumer.~~
- ~~(ii) Retains the information it collects.~~
- ~~(iii) Produces reports, upon request, that the AAA can monitor for compliance.~~
- ~~(b) The provider may use a manual system if the provider documents the consumer's name, date, time, number of meals in the delivery, and whether the delivery successfully reaches the consumer, and collects the handwritten signatures of the driver and the consumer. If the consumer is unable to produce a handwritten signature, the consumer's handwritten initials, stamp, or mark are acceptable if the AAA authorizes such an alternative.~~
- ~~(2) In the AAA-provider agreement, the AAA shall not require the provider to obtain multiple verifications for multi-meal deliveries, because the verification under paragraph (E) of this rule is conducted per-delivery and the verification includes documenting the number of meals in the delivery.~~
- ~~(3) In the AAA-provider agreement, the AAA shall not prohibit a provider from using an electronic system to collect and retain the records this rule requires.~~

Effective: 08/24/2017
Five Year Review (FYR) Dates: 06/07/2017 and 08/24/2022

CERTIFIED ELECTRONICALLY

Certification

08/14/2017

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.
Rule Amplifies: 173.392; Section 336 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: 173-4-04.1: 03/23/2009. 173-4-05.2: 09/01/2016.