



The Older Americans Act Nutrition Program Did You Know.....?

If you can think of any other myths/myth busters, please email them to:
Nutrition@acl.hhs.gov

The Older Americans Act (OAA) is a flexible law that allows states to tailor their programs to meet the needs of the older adults in their states/communities who are in greatest social and economic need.

Sometimes people comment that the “OAA nutrition program won’t let us.... (fill in the blank)” when in reality there may be no restriction in the OAA that would prohibit that action, or they say “Really? I had no idea that the OAA nutrition program allows.... (fill in the blank)”.

This informal document presents general information about the OAA nutrition program that may be surprising to some and brand new to others.

IMPORTANT NOTE: In many areas the OAA gives states the authority to add other requirements beyond those in the OAA. That means that some practices that might be allowable under the OAA and perhaps discussed in this document could be handled differently in some states or local areas. State and local variances are NOT covered here. This document only reflects myths and truths about the OAA nutrition program from a federal perspective.

○ ***DID YOU KNOW....that milk is not the only source of calcium?***

The OAA allows calcium to be provided by foods other than or in addition to milk. If participants aren't drinking milk, perhaps other sources of calcium could be offered instead or in combination (for example, cheese, yogurt, tofu, almonds, calcium- fortified juices, spinach, kale, etc.).

○ ***DID YOU KNOW....that milk does not always have to be daily delivered cold fresh milk?***

The OAA allows milk served in congregate and home-delivered meals to be powdered and/or shelf stable. Milk served does not have to be fresh, cold milk delivered daily. Certainly it can be. But in cases of long meal routes, or deliveries that might not always arrive in time, powdered and/or shelf stable milk could be something to consider.

○ ***DID YOU KNOW...that the OAA nutrition program can provide fresh fruit and vegetables?***

The OAA allows fresh fruits and vegetables to be served. There is flexibility as to whether fresh, frozen or canned fruit and vegetables are used and it depends on availability, cost, what else is being served on the rest of the menu, etc.

○ ***DID YOU KNOW....that locally grown produce is allowed and does not have to be expensive?***

The OAA allows the use of locally grown produce. If it is too expensive, working directly with local farmers to incorporate seasonable produce at a reasonable price may be a possibility. Many OAA nutrition providers have been able to structure their programs to enable the use of locally grown produce.

○ ***DID YOU KNOW....that restaurant vouchers can be used?***

The OAA allows the use of restaurant vouchers, depending of course on *how* they are used. A voucher program that allows a recipient to receive a congregate meal on-site at a restaurant that has agreed to provide a healthy meal that meets the dietary requirements in the OAA, allows voluntary contributions, does not require the participant to pay for the meal and has a mechanism for providing related nutrition services either on-site or at another site is allowable. Restaurant vouchers can be used appropriately in many settings; they are not limited to only sparsely populated areas. There are OAA nutrition programs that have been able to offer successful restaurant voucher programs.

○ ***DID YOU KNOW....that meals do not always have to be served at lunchtime?***

The OAA allows meals to be served other than only at lunchtime. Perhaps the vulnerable older adults in a given area need meals, socialization and nutrition education in the evenings or at breakfast. The OAA provides flexibility to allow variable meal times, and there are OAA nutrition programs doing this successfully.

○ ***DID YOU KNOW....that OAA funds can be used to buy liquid supplements?***

The OAA allows Title III funds to be used to purchase liquid supplements. But the important caveat is that a liquid supplement by itself cannot be counted as a meal. So when counting meals for purposes of the Nutrition Services Incentive Program (NSIP) funding or for OAA reporting purposes in general, “meals” containing only liquid supplements cannot be counted. If liquid supplements are served in addition to a meal that meets the OAA nutritional requirements, that’s different and that meal plus liquid supplement would count as one meal. So it may or may not be a good decision to use OAA funds to purchase liquid supplements, but it is allowable under the OAA. Also keep in mind that NSIP funds can only be used to purchase domestically produced foods; not liquid supplements.

○ ***DID YOU KNOW....that salad bars can serve as a meal?***

The OAA allows salad bars to be counted as a full meal, as long as they meet the nutritional and other requirements in the OAA. Salad bars are not just “nice-to-have” additions to a meal; they can *be* that meal. Nutrition service providers have successfully used multiple methods to help older adults select ingredients in healthy portion sizes from a salad bar to meet the nutritional requirements of the OAA. The OAA provides flexibility to allow salad bars. And some of your colleagues are already providing them successfully.

○ ***DID YOU KNOW....that taking home leftovers can be permitted?***

The OAA allows participants to take leftovers from their plate home, but only if state and local food safety codes are followed. Following these food safety codes is not only required, but it is important because older adults are at a higher risk of food borne illnesses than other adults. Therefore proceeding with utmost caution and concern is important. Some sites provide special containers with instructions on reheating. Others limit leftovers to foods that are safe at room temperature (like rolls and fresh fruit). Some have developed additional rules to help ensure safety yet still allow their participants to bring home food from their plates, so as not to be wasteful. Overproducing food on purpose for the specific intent of producing leftovers, however, is not allowed. The congregate meal program is a social in-person program, not a take-out program.

- ***DID YOU KNOW....that congregate meal sites can be located in a grocery store or other “non-traditional” site?***

The OAA allows congregate meals to be served in non-traditional sites. The OAA lists some examples, such as senior centers, but those examples are not requirements. Congregate meal locations could include senior housing, community centers, locations in shopping centers, restaurants, grocery stores, etc.

- ***DID YOU KNOW....that the OAA does not prohibit salt shakers on the tables at congregate sites?***

The OAA allows salt shakers on the table. The sodium in prepared foods or added in the kitchen when preparing foods is of more concern. Participants should not feel like they have to sneak salt shakers into the congregate site.

- ***DID YOU KNOW....that the OAA nutrition program is not simply a “feeding program” or a “meal program”?***

It's more than a meal! The OAA specifies three purposes of the nutrition program: (1) to reduce hunger and food insecurity; (2) to promote socialization of older individuals; and (3) to promote the health and well-being of older individuals by assisting such individuals to gain access to nutrition and other disease prevention and health promotion services to delay the onset of adverse health conditions resulting from poor nutritional health or sedentary behavior.

Meals are part of the program certainly, and reducing hunger is part of it, but socialization, health, and nutrition education are also part of our program. Providing unhealthy food does not improve health. And providing unappetizing food that no one will eat also does not improve health or reduce hunger. Our programs need to provide healthy food that is appetizing.

- ***DID YOU KNOW....that most participants appreciate the OAA nutrition program?***

Over 95% of seniors say they would recommend the nutrition program to a friend, 94% report that they like the meals they receive and over 75% report that the program improves their health.

- ***DID YOU KNOW....that the OAA nutrition program is not a means-tested program nor is it an entitlement?***

The program is not an entitlement, and it's also not a means-tested program. Participants must be given the opportunity to voluntarily contribute toward the cost of the meals, but they cannot be denied service because they cannot or will not contribute.

- ***DID YOU KNOW ...that the OAA requires services to be targeted to older adults who are in the greatest social and economic need?***

Correct. And when compared to the U.S. population as a whole, participants in the nutrition program are more likely to have a low income, be part of a minority group, live alone and be over age 75. But that does not mean that participants MUST have a low income or be part of a minority group or live alone or be over age 75. Participation and targeting is based on need.

- ***DID YOU KNOW....that the OAA requires that states provide flexibility to local nutrition providers to design meals that are appealing to program participants?***

Correct. Take a look at Section 339(2)(B) of the OAA. Meals should be appealing to participants. That also means that meals served in one community may not be the meals that are appealing to participants in another community.

- ***DID YOU KNOW....that the OAA requires that states ensure that meal providers solicit the advice of meal participants?***

Correct. Take a look at Section 339(2)(G) of the OAA. Meal participants should have a say in what meals they are being provided. Perhaps comment cards, customer satisfaction surveys, taste tests, pilot menus with a subset of participants, etc., may be helpful and enlightening.

- ***DID YOU KNOW....that nutritious meals can also be delicious meals?***

It's true that the meals served under the OAA nutrition program must meet 33-1/3% of the Dietary Reference Intakes (DRI) and also meet the current Dietary Guidelines for Americans (DGA). But that does not mean that the meals inevitably must taste awful. If meals are not appetizing then there is something amiss with the quality and/or type of food or the food vendor being used, the menus, the preparation, the delivery, etc. Nutritious food can also be appetizing, delicious food. The two are not mutually exclusive.

If there are complaints about taste, review menus, review food purchasing, experiment with how the food is presented and served, talk to a local chef about how he/she prepares healthy food at a restaurant, ask the meal participants what they like and don't like, periodically check what is being left uneaten, build quality assurance into the entire process from the get-go, evaluate state-specific requirements to see if they are still necessary, etc.

- ***DID YOU KNOW....that the DRI and DGA requirements in the OAA cannot be waived?***

True. Periodically we hear that a state is going to formally request a waiver from us so they don't have to meet the requirements in the OAA involving the Dietary Reference Intakes and Dietary Guidelines for Americans. The Administration for Community Living has no legal authority to waive these requirements, nor do the states. That's a good thing; nutritious meals help older adults maintain and improve their health.

- ***DID YOU KNOW....that meals served in nursing homes must also follow the DRIs and DGAs?***

True again.

- ***DID YOU KNOW....that the USDA's "My Plate" is a consumer representation of the DGAs and you can use My Plate to develop your menus?***

Many states use My Plate as a guide to adhering to the current Dietary Guidelines (DGAs). The OAA does not prohibit that practice. My Plate is a representation of the USDA food patterns found in the appendix of the DGAs. The DGAs also recommend another pattern called the Dietary Approaches to Stop Hypertension (DASH) as a way of planning meals. My Plate and DASH are both evidence-based approaches to meal planning. (Of course, don't forget the DRIs.)

- ***DID YOU KNOW....that the OAA does not forbid cost-sharing for meals funded entirely by non-OAA funds (for example, state funds or philanthropic funds)?***

Cost-sharing may be a possibility for those meals, assuming of course that the state (or other funding source) doesn't have its own prohibitions against cost-sharing. Meals that use OAA funds, however, cannot be subject to cost-sharing (which is not the same thing as a voluntary contribution), and meals that are subject to cost-sharing cannot be counted as meals for purposes of receiving the OAA Nutrition Services Incentive Program (NSIP) funds. ACL doesn't have waiver authority for this either. But remember, you do not need ACL approval to try different innovations using only your own state/local/philanthropic funding.

- ***DID YOU KNOW....that the OAA does not specifically prohibit donated foods from being used at congregate sites, although it does require adherence to local food safety codes which do prohibit these items?***

We often hear that the OAA is so restrictive that it doesn't permit "donated food". It is true that a home-made apple pie donated to a congregate site cannot be served at a congregate site, but did you know that it also can't be served at your favorite local restaurant? Just like

restaurants, congregate sites must follow local, tribal and state food codes which prohibit home-prepared foods from being offered in a food establishment.

- ***DID YOU KNOW....that “surplus” or “donated” USDA food cannot be given to places that charge for food?***

The USDA considers the acceptance of voluntary contributions to be equivalent to charging for food. USDA food cannot be donated to places that charge for food. Because the OAA nutrition program permits voluntary contributions, our programs cannot use USDA foods. Your favorite local restaurant cannot use surplus/donated USDA foods either. (Note - this does not refer to USDA foods purchased through the OAA’s Nutrition Services Incentive Program).

- ***DID YOU KNOW....that an OAA local nutrition service provider can engage in “for pay” arrangements to sell nutrition services/meals, such as renting out their kitchen, doing private catering, contracting with a health plan to provide its members with meals etc.?***

Non-profits can still earn a surplus above their full costs when they enter into third party payment contracts. We provide a social service that will always be needed, but we all need to be aware of our competition and how we can open up alternative revenue streams. We encourage states, AAAs and providers to think about the services they may be able to provide under contract to an integrated health care entity or other payer willing to pay a fair price for those services. The aging services network knows their communities and what they need. Who better to provide needed services, including healthy meals, than our aging network? Our National Resource Center on Nutrition and Aging has a series of webinars that talk about transformation needed to compete in this current environment.

<http://nutritionandaging.org/professional-development/momentum-51064>

Of course, all states, AAAs and providers are not the same. There may be restrictions at the state, councils of government, and/or local level that affect AAAs and direct service providers differently. But the OAA should not be viewed as an obstacle to contracting with private organizations to bring in alternate sources of funding that can help address your mission to help the older adults in the community. As they say, no margin, no mission.

- ***DID YOU KNOW....that it is impossible to know if reimbursement levels are adequate unless the true cost of the item being reimbursed is known?***

If providers are offered a firm fixed price in exchange for providing meals under contract, how can they possibly know if that reimbursement level is adequate unless they know their

full costs for that meal? The cost of food is not the only component in the true cost of a meal. Personnel costs, production costs, overhead, facility costs, transportation costs, etc., must all be factored into the price of a meal, in addition to the cost of the food, to arrive at the full cost.

○ ***DID YOU KNOW....that choice is allowable and should be encouraged in many aspects of a nutrition program?***

You know how the saying “location, location, location” sums up the real estate industry? “Choice, choice, choice” could be our mantra for the OAA nutrition program. Our vulnerable older adults need good nutritious food to maintain and improve their health. It’s our job to make that nutritious food look and taste good and be responsive to our participants’ needs, desires and cultures, as much as possible.

Perhaps nutrition programs in your state can offer more than one menu on the same day, give participants a choice within a particular menu (say, green beans or squash), offer a choice of meal times, etc. Nothing in the OAA prohibits any of that. Choice IS allowed under the OAA and should be offered.

We often hear phrases along the line of “*Everybody in our center likes to eat the same thing*”. Is that true or simply someone’s belief? Older adults are no different from other individuals – they have personal preferences too. Choice is key and offering choice does not mean that expenses must increase. If your programs cannot offer a choice of items at the participant level for the same price, perhaps you need to find out why.

Don’t forget about the OAA requirement in Section 339(2)(B) that says that States must ensure that a nutrition project “provides flexibility to local nutrition providers in designing meals that are appealing to program participants.”

The OAA at Section 339(2)(G) requires that States ensure that meal providers “solicit the advice and expertise of....meal participants”. Are you doing that in your state?

○ ***DID YOU KNOW....that congregate meals should not be served as carry-out or take-out meals on a regular basis?***

The OAA allows occasional carry-out meals at congregate sites, but not on a regular basis. One of the main strengths of the congregate program is that older adults get together to eat as a community. That socialization can be just as important as the nutritious meal. Carry-out defeats that purpose. Congregate meals must be served at congregate sites

(places where people congregate and interact with each other). Purposely ordering too much food or preparing too many meals simply to allow participants to take a second meal home is not appropriate. But on occasion, if someone is ill or unable to get to their regular congregate site on a particular day, a carry-out meal may be appropriate, if permitted by the state.

○ ***DID YOU KNOW...that a downward trend in the number of meals being served can be the result of many factors?***

Do you know the trends in meal numbers? Are they going up or down? Are the congregate meal numbers and the home-delivered meal numbers moving in the same or opposite directions? Look at state-specific and national numbers on the AGing Integrated Database (AGID, at <http://www.agid.acl.gov/>).

On a national basis, both the congregate and home-delivered nutrition programs have been experiencing declines since 2010, and since 2009 for the home-delivered program. The declines are both in meals and participants. Nationally the reduction appears to be due to inflation. In the home-delivered program on a national basis, the expenditure per meal on average increased but the total expenditures increased at a slower rate. In the congregate program on a national basis, the expenditure per unit is increasing but total expenditures are dropping. At a state level, the trends vary. But regardless of the trends, older adults will always need our program. If your numbers are going down, analyze the data and uncover the reasons why. There may be something you can address.

○ ***DID YOU KNOW...that food can be offered but doesn't have to be served to everyone?***

The OAA allows meal participants to decide what they want to be served from the meal selections. Serving someone food they won't eat is wasteful. The OAA nutrition programs must offer nutritionally balanced meals, and allow participants to choose what they wish to be served and what they wish to eat. Milk cartons in the trash help no one. Of course, nothing is this simple. If food is being offered that no one eats, why is it being offered? Quality assurance begins with knowing participant needs and preferences, using quality food/preparation/presentation, providing choice (food, menus, serving time, etc), conducting recurrent participant satisfaction surveys and acting on the results, etc. Waste is one aspect to be examined but not the first or only.

○ ***DID YOU KNOW....that home-delivered meals can be prepared and served as cold meals?***

The OAA allows cold meals. Obviously if they are prepared as a hot meal, they need to stay hot until delivery to meet food safety regulations. Serving a nutritious cold meal may be a solution to issues that can arise when meal routes are too long.

○ ***DID YOU KNOW....that some states include meals in their Medicaid waiver programs?***

It depends on the state. Some states have included meals in the services that they cover under a Medicaid waiver; others have not. But a common belief that meals cannot be served under a Medicaid waiver if that area has an OAA meal program is not accurate.

○ ***DID YOU KNOW...that SNAP benefits can be used as a voluntary contribution?***

Older adults participating in SNAP (formerly known as food stamps) can use those benefits as a voluntary contribution toward the OAA meal if that is what the older adult wishes to do. As you know, several things come into play with this. Some adults will not accept a meal unless they can contribute toward it; SNAP may be their only source of funds to make a voluntary contribution. It may be a matter of pride and we respect that. On the other hand, using limited SNAP benefits on a program that doesn't require a payment may not be in the best interests of the adult. But it should be their choice; not yours and not ours.

○ ***DID YOU KNOW....that your targeted participants may or may not be baby boomers?***

You may or may not need to be attracting baby boomers. It could be that baby boomers simply are not the individuals in greatest social or economic need in a particular community at the current time. Or perhaps they are, and your congregate meal sites are not conducive to their attendance or you need to change in another way to be able to reach those baby boomers. Whether this myth is true or not depends on what is needed in each community.

○ ***DID YOU KNOW...that you cannot deny OAA services based on citizenship or residency status?***

The OAA has no citizenship or residency requirement. OAA services should be targeted to older adults who are in greatest social and economic need, with no consideration of their citizenship or residency status.

- ***DID YOU KNOW...that Nutrition Services Incentive Program (NSIP) funds can only be used to purchase domestically produced foods?***

The NSIP program provides another source of funds, based on the number of meals that are served in the prior federal fiscal year. NSIP funds cannot be used to cover meal transportation costs, staff salaries, location costs, etc. They can only be used to purchase domestically produced foods.

- ***DID YOU KNOW...that states do NOT have to distribute their NSIP funds to their AAAs in the same percentages as their AAAs provided home-delivered and congregate meals?***

Note the word “incentive” in NSIP. These funds are used to “reward” states for serving more meals. The funds are meant to serve as an incentive. There is no OAA requirement that states the percentage distributions that must be made. States should distribute their funds to “reward” and incentivize their AAAs. How that translates into actual percentages is going to vary by state and by year.

To provide comments on this document and/or to send additional myths/myth busters about the OAA nutrition program, please email the Administration for Community Living at Nutrition@acl.hhs.gov.

For more information about the **Older Americans Act Nutrition Program**, visit http://www.aoa.acl.gov/AoA_Programs/HPW/Nutrition_Services/index.aspx.

For more information about the **National Resource Center on Nutrition and Aging**, visit <http://nutritionandaging.org/>

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