

TEXAS ADMINISTRATIVE CODE - HOME-DELIVERED MEAL GRANT PROGRAM

Title 4 Agriculture
Part 1 Department of Agriculture
Chapter 1 General Procedures

Subchapter O Home-Delivered Meal Grant Program

Rule §1.950 Purpose

This subchapter establishes the requirements for eligible organizations to apply for and obtain grant funds to supplement and extend existing services related directly to delivery of meals to Homebound Elderly persons and Homebound persons with a Disability, through the Home-Delivered Meal Grant Program; and establishes the requirements for related nutritional standards, recordkeeping and documentation related to the Program.

Rule §1.951 Definitions

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

- (1) Approved Organization--An organization that submitted an application under this subchapter that was subsequently approved by the Department.
- (2) Department--The Texas Department of Agriculture.
- (3) Dietary Consultant--A registered dietitian who is licensed by the Texas State Board of Examiners of Dietitians; or a person with a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management, who is currently employed as a dietitian or dietary consultant in a hospital, nursing facility, or school, or home-delivered meal organization, or in private practice.
- (4) Disability--A physical, mental or developmental impairment, temporarily or permanently limiting an individual's capacity to adequately perform one or more essential activities of daily living, which include, but are not limited to, personal and health care, moving around, communicating, and housekeeping.
- (5) Elderly--An individual who is 60 years of age or older.
- (6) Fully Funded--A meal for which home-delivered meal organizations negotiate and sign a contract with the Department of Aging and Disability Services or an area agency on aging, and receive funds, whatever the amount may be, in accordance with applicable state and federal laws and regulations.
- (7) Grantee--An organization that has received grant funds under this subchapter.
- (8) Home-delivered meal--Individual sized portions of foods that, in the aggregate, meet 1/3 of the Recommended Dietary Allowance (RDA) of nutrition for adults and the Dietary Guidelines for Americans, or Dietary Reference Intakes (DRIs) as established by the Texas Department of Aging and Disability Services.
- (9) Homebound--A person who is unable to leave his or her residence without aid or assistance or whose ability to travel from his or her residence is substantially impaired.

(10) Organization--A qualifying governmental agency or nonprofit private organization that is exempt from taxation under §501(a), Internal Revenue Code of 1986, as an organization described by §501(c)(3) of that code, which is a direct provider of home-delivered meals to homebound elderly persons or persons with disabilities in this state.

(11) Program--The Home-Delivered Meal Grant Program.

(12) State Fiscal Year--The period between September 1st of any year and August 31st of the subsequent year.

Rule §1.952 Administration of the Program

(a) The Department annually shall determine:

- (1) the total amount of money available for grants under this subchapter;
- (2) the number of residents at least 60 years of age in this state, according to the most recent federal decennial census; and
- (3) the number of residents at least 60 years of age in each county in this state, according to the most recent federal decennial census.

(b) Subject to §1.953 of this title (relating to County Grant Required) and subsection (d) of this section, the Department shall make grants in an amount equal to one dollar for each meal that each Approved Organization delivered to Homebound Elderly persons or persons with a Disability in the county in the preceding State Fiscal Year that was not Fully Funded.

(c) The Department shall make grant award not later than February 1 of each calendar year to each Approved Organization. Fifty percent (50%) of such grant awarded shall be allocated and distributed to each Approved Organization on or before February 1 of each calendar year. The remaining fifty percent (50%) of such grant award shall be allocated and distributed to each Approved Organization on or before August 1 of each calendar year. Notwithstanding any other provision of this subchapter, the Department may deny, revoke, suspend, or withhold a grant award for misuse of grant funds, or failure to comply with any requirement or section of this subchapter, including, without limitation, failure to:

- (1) have or utilize adequate intake processes and/or procedures, including intake forms, to qualify individuals as eligible for assistance in accordance with this subchapter;
- (2) keep and maintain adequate client records, by county, that identify the names, addresses, and telephone numbers of all individuals qualified as homebound or disabled individuals eligible under this subchapter;
- (3) keep and maintain adequate records that support the total number of home-delivered meals an Approved Organization claims it delivers to homebound or disabled individuals eligible for assistance under this subchapter;
- (4) keep and maintain adequate records that support the total number of home-delivered meals an Approved Organization claims it delivers in support of its application;
- (5) keep and maintain adequate records that document meals delivered under this subchapter with identifying information on the recipient of each meal;
- (6) keep and maintain an accounting system and records in accordance with Generally Accepted Accounting Principals;
- (7) obtain and comply with all health and other permits required under this subchapter, including failure to keep and maintain adequate records pertaining to such health and other permits;

(8) obtain a county grant as required by this subchapter, including failure to keep and maintain adequate records pertaining to such county grant;

(9) have a dietary consultant review the dietary content of all menus or meal plans for all meals delivered by an Approved Organization with grant funds awarded under this subchapter, to ensure that those meals meet the Registered Dietary Allowance or Dietary Reference Intakes as required by this subchapter, including failure to keep and maintain adequate records pertaining to such registered dietician, such as name, address, and telephone number;

(10) keep and maintain a bank account in the name of the Approved Organization, including failure to keep and maintain adequate records pertaining to such bank account; or

(11) keep and maintain adequate records of all expenses that an Approved Organization claims are allowable expenses under this subchapter.

(d) Except as provided by §1.953 of this title, and subsections (b) and (f) of this section, grants from the Department to Approved Organizations in a county in a State Fiscal Year may not exceed an amount determined by the following formula: $CR \times (TD/SR)$, where "CR" is the number of residents at least 60 years of age in the county; "TD" is the total amount of money appropriated to the Department for that State Fiscal Year to make grants, less the Department's administrative expenses; and "SR" is the number of residents at least 60 years of age in this state.

(e) If more than one "Approved Organization" delivers meals in a county, the Department shall reduce the grants proportionally to each qualifying organization in that county so that the total amount of the grants to the organizations does not exceed the amount described by subsection (d) of this section.

(f) If the total amount of the grants made statewide by the Department under subsection (b) of this section is less than the amount appropriated to fund the program under this section in a State Fiscal Year, the Department shall use the unspent funds to proportionally increase the grants to each Approved Organization.

(g) The Department may use up to five percent of the appropriated funds for administration of the program.

Rule §1.953 County Grant Required

(a) Before an Organization may receive a grant from the Department, the county in which the Organization provides meals must make a grant to the Organization. The grant must be for the provision of home-delivered meals to the homebound elderly and disabled in that county.

(b) A county may make a grant to more than one Organization in the county.

(c) If the county makes a grant to one or more Organizations in an amount that is less than 25 cents for each person at least 60 years of age who resides in the county, according to the most recent federal decennial census, the maximum amount the Department may provide to Organizations in the county is reduced to an amount in proportion to the amount by which the county grant is less than 25 cents for each elderly resident.

Rule §1.954 Eligibility for Grant

An Organization is eligible to receive a grant under this subchapter if it:

- (1) administers a home-delivered meal program and is a direct provider of home-delivered meals to Elderly persons and/or persons with a Disability;
 - (2) (if a nonprofit private organization) has a volunteer board of directors;
 - (3) practices nondiscrimination;
 - (4) has an accounting system or fiscal agent approved by the county where it provides meals;
 - (5) has a system to prevent the duplication of services to clients;
 - (6) has received a grant from the county in which the Organization is delivering meals, in accordance with §1.953 of this title (relating to County Grant Required);
 - (7) has submitted an application in accordance with §1.955 of this title (relating to Application);
- and
- (8) agrees to use funds received under this subchapter only to supplement or extend existing home-delivered meal services.

Rule §1.955 Application

- (a) The application shall be in a form prescribed by the Department, in accordance with this subchapter.
 - (b) The application submitted to the Department in accordance with §1.954 of this title (relating to Eligibility for Grant), shall:
 - (1) be notarized and signed by the Organization's executive director and board chair, if applicable;
 - (2) be postmarked not later than November 1;
 - (3) include the following information:
 - (A) the Organization's name and address;
 - (B) the names and titles of the Organization's executive director and board chair, if applicable;
 - (C) the name of the county in relation to which the Organization is applying;
 - (D) the number of residents at least 60 years of age who reside in that county, according to the most recent federal decennial census;
 - (E) the amount of the grant awarded by that county, as required by §1.954 of this title;
 - (F) the total number of meals the Organization delivered to Elderly persons or persons with a Disability in that county during the preceding State Fiscal Year including those that were not Fully Funded;
 - (G) the Organization's most recent financial statement or audited financial report;
 - (H) a list of the Organization's board and officers;
 - (I) appropriate documentation demonstrating that the Organization:
 - (i) is a qualifying governmental agency or nonprofit private organization;
 - (ii) has been awarded a grant by the county for the provision of home-delivered meals to the homebound elderly and disabled in that county; and
 - (iii) has delivered the number of meals reported under subsection (a)(3)(F) of this section;
- and

- (J) any other information the Department determines necessary.
- (c) An Organization that applies for a grant for meals delivered in more than one county must submit a separate application for each county in which the Organization delivers meals.

Rule §1.956 Nutritional Standards

Each Home-delivered meal to which grant funds are applied shall be approved by a Dietary Consultant. Each meal must meet 1/3 of the recommended dietary allowance (RDA) for adults and the Dietary Guidelines for Americans, or if the organization receives funding through the Texas Department of Aging and Disability Services, the Dietary Reference Intakes (DRI) as and when established by the Texas Department of Aging and Disability Services. The approval must occur and be documented prior to the date the meal is served.

Rule §1.957 Compliance with Laws and Regulations

A Grantee must follow procedures and maintain facilities that comply with all applicable federal, state and local laws and regulations related to fire, health, sanitation, and safety, and obtain all necessary permits. All food preparation, handling, and service activities shall comply with applicable Texas Department of State Health Services rules.

Rule §1.958 Service Requirements

Each Grantee using grant funds received under this subchapter toward the preparation or delivery of a Home-delivered meal must provide such meal in accordance with the service requirements outlined in Title 40 Texas Administrative Code, §55.27(a) and (c), or other applicable local, state or federal regulations relating to the delivery, transportation, packaging of home-delivered meals, or the handling of undelivered meals.

Rule §1.959 Eligibility of Persons Served

Each Grantee using grant funds received under this subchapter toward the preparation or delivery of a Home-delivered meal must document that persons receiving a meal funded under this subchapter are Homebound Elderly persons or Homebound persons with a Disability as defined in §1.951 of this title (relating to Definitions).

Rule §1.960 Permitted Use of Grant Funds

The expenditure of grant funds by a Grantee shall be documented and used only to supplement and extend existing services related directly to delivery of meals to Homebound Elderly persons and Homebound persons with a Disability. Permissible expenditures include, but are not limited to, food costs and related preparation and packaging expenses, gasoline, and other operational costs, but shall not be used for the purchase of capital assets.

Rule §1.961 Recordkeeping and Record Retention

- (a) Grantees shall maintain documentation as required by the Department to verify that individuals who receive meals paid for or delivered in part with grant funds received under this subchapter each qualify as a Homebound Elderly person or Homebound person with a Disability. Such documentation may be records already maintained by eligible organizations that receive federal or state funding, or other documentation maintained in accordance with Program guidelines as may be established by the Department.
- (b) Grantees shall submit reports and documentation as required by the Department to verify that expenditures made are directly related to supplementing and extending existing home-delivered meal services to Homebound Elderly persons and Homebound persons with a Disability, including documentation of the eligibility of persons receiving Home-delivered meals.
- (c) Grantee shall retain all financial records, supporting documents, statistical records, and all other records relating to any grant funds received pursuant to this subchapter and expenditures of funds in conformity with federal and state regulations and generally accepted accounting principles.
- (d) Records described in this section shall be maintained for the retention period in accordance with the records retention schedule established by the Department and approved by the Texas State Library and Archive Commission.
- (e) All of the records described in subsections (a) and (b) of this section shall be maintained indefinitely if audit findings or other disputes or litigation have not been resolved. Grantees with multiple locations may maintain all records at a designated central location (i.e., administrative headquarters) for purposes of this section.

Rule §1.962 Access to Grantee Records

Grantee shall permit the Department and any other authorized governmental entity, through any authorized representatives, the access to and right to examine all records, books, papers, contracts, or other documents, including permits, related to grant funds received pursuant to this subchapter.