Subject: FW: Technical Changes - MCC rules 10A NCAC 13F & 13G

From: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Sent: Monday, February 13, 2023 10:57 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Technical Changes - MCC rules 10A NCAC 13F & 13G

Thank you!

Nadine Pfeiffer Rules Review Manager Division of Health Service Regulation NC Department of Health and Human Services

Office: 919-855-3811 Fax: 919-733-2757 nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building 2701 Mail Service Center Raleigh, NC 27699-2701

From: Duke, Lawrence <<u>lawrence.duke@oah.nc.gov</u>>
Sent: Monday, February 13, 2023 10:55 AM
To: Pfeiffer, Nadine <<u>nadine.pfeiffer@dhhs.nc.gov</u>>
Cc: Burgos, Alexander N <<u>alexander.burgos@oah.nc.gov</u>>
Subject: RE: Technical Changes - MCC rules 10A NCAC 13F & 13G

Nadine,

I just wanted to confirm that these two rules are ready for the February RRC Meeting on Thursday. I will be recommending approval for both.

Lawrence Duke

Counsel, NC Rules Review Commission Office of Administrative Hearings (984) 236-1938

809 Ruggles Drive, Edgerton Building 2701 Mail Service Center Raleigh, NC 27699-2701

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Subject:FW: Technical Changes - MCC rules 10A NCAC 13F & 13GAttachments:10A NCAC 13F .0904.docx; 10A NCAC 13G .0904.docx

From: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Sent: Monday, February 6, 2023 11:19 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Technical Changes - MCC rules 10A NCAC 13F & 13G

Hi Lawrence, Please see the attached rules with the corrected hx notes as you identified.

Nadine Pfeiffer Rules Review Manager Division of Health Service Regulation NC Department of Health and Human Services

Office: 919-855-3811 Fax: 919-733-2757 nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building 2701 Mail Service Center Raleigh, NC 27699-2701

From: Duke, Lawrence <<u>lawrence.duke@oah.nc.gov</u>>
Sent: Monday, February 6, 2023 10:56 AM
To: Pfeiffer, Nadine <<u>nadine.pfeiffer@dhhs.nc.gov</u>>
Cc: Burgos, Alexander N <<u>alexander.burgos@oah.nc.gov</u>>
Subject: RE: Technical Changes - MCC rules 10A NCAC 13F & 13G

Nadine,

These look good. Thank you for making the requested changes. Only remaining issue:

History Note: Authority G.S. 131D-2.1(4); 131D-2.16; 131D-4.4; 143B-165;

On both 13F and 13G .0904, the statutes need to be in numerical order. Also, you have "131D-4-4" and I think you meant to put "131D-4.4".

Please fix on both rules. Then, submit your final version to <u>oah.rules@oah.nc.gov</u>.

Thank you, **Lawrence Duke** Counsel, NC Rules Review Commission Office of Administrative Hearings

10A NCAC 13F .0904 is readopted with changes as published in 36:24 NCR 1933-1937 as follows:

3 10A NCAC 13F .0904 NUTRITION AND FOOD SERVICE

- 4 (a) Food Procurement and Safety in Adult Care Homes:
- 5 (1)The kitchen, dining and food storage areas shall be clean, orderly and protected from contamination. 6 Facilities with a licensed capacity of 7 to 12 residents shall ensure food services comply with Rules 7 Governing the Sanitation of Residential Care Facilities set forth in 15A NCAC 18A .1600 which 8 are hereby incorporated by reference, including subsequent amendments, assuring storage, 9 preparation, and serving food and beverage under sanitary conditions. All food and beverage being procured, stored, prepared or served by the facility shall be protected 10 (2) from contamination. Facilities with a licensed capacity of 13 or more residents shall ensure food 11 12 services comply with Rules Governing the Sanitation of Restaurants and Other Foodhandling
- 13
 Establishments
 Hospitals, Nursing Homes, Adult Care Homes and Other Institutions set forth in

 14
 15A NCAC 18A .1300 which are hereby incorporated by reference, including subsequent

 15
 amendments, assuring storage, preparation, and serving of food and beverage under sanitary

 16
 conditions.
- 17 (3) All meat processing shall occur <u>Only meat processed</u> at a USDA-approved processing plant. plant
 18 shall be served.
- 19(4)There shall be at least a three-day supply of perishable food and a five-day supply of non-perishable20food in the facility based on the menus, menus established in Paragraph (c) of this Rule for both21regular and therapeutic diets. For the purpose of this rule "perishable food" is food that is likely to22spoil or decay if not kept refrigerated at 40 degrees Fahrenheit or below, or frozen at zero degrees23Fahrenheit or below and "non-perishable food" is food that can be stored at room temperature and24is not likely to spoil or decay within seven days.
- 25 (b) Food Preparation and Service in Adult Care Homes:
- 26 (1) Sufficient staff, space [space,] and equipment shall be provided for safe and sanitary food storage,
 27 preparation [preparation,] and service.
- Table service shall include a napkin and non-disposable place setting consisting of at least a knife,
 fork, spoon, plate plate, and beverage containers. Exceptions may be made on an individual basis
 and shall be based on documented needs or preferences of the resident.
- 31
 (3)(2)
 Hot foods shall be served hot and cold foods shall be served cold. cold as set forth in Rule 15A

 32
 NCAC 18A .1620(a) for facilities with a licensed capacity of 7 to 12 residents and as set forth in

 33
 Rule 15A NCAC 18A .1323 Food Protection in Activity Kitchens, Rehabilitation Kitchens, and

 34
 Nourishment Stations for facilities with a licensed capacity of 13 or more residents, which are

 35
 hereby incorporated by reference, including subsequent amendments.
- 36 (4)(3) If residents require feeding assistance, food shall be maintained at serving temperature until
 37 assistance is provided.

1	(c) Menus in Ad	dult Care Homes:
2	(1)	Menus shall be prepared at least one week in advance with serving quantities specified and in
3		accordance with the Daily Food Requirements daily food requirements in Paragraph (d) of this Rule.
4	(2)	Menus shall be maintained in the kitchen and identified as to the current menu day and eyele for
5		any given day for guidance of food service staff.
6	(3)	Any substitutions made in the menu shall be of equal nutritional value, in order to maintain the daily
7		dietary requirements in Subparagraph (d)(3) of this Rule, appropriate for therapeutic diets diets, and
8		documented [and] in records maintained in the kitchen to indicate the foods actually served to
9		residents.
10	(4)	Menus shall be planned to take into account the food preferences and customs of the residents.
11		residents as documented on the Resident Register.
12	(5)	Menus as served and invoices or served, invoices, and other receipts of for food or beverage
13		purchases shall be maintained in the facility for 30 days.
14	(6)	Menus for all therapeutic diets shall be planned or reviewed by a registered dietitian. licensed
15		dietitian/nutritionist. The facility shall maintain verification of the registered dietitian's licensed
16		dietitian/nutritionist's approval of the therapeutic diets which shall include an original signature by
17		the registered dietitian and the registration number of the dietitian. diets.
18	(7)	The facility shall have a matching therapeutic diet menu for all any resident's physician-ordered
19		therapeutic diets diet for guidance of food service staff.
20	(d) Food Requir	rements in Adult Care Homes:
21	(1)	Each resident shall be served a minimum of three nutritionally adequate, adequate meals based on
22		the requirements in Subparagraph (d)(3) of this [Rule,] palatable meals [to the residents.] Rule.
23		Meals shall be served a day at regular hours times comparable to normal meal times in the
24		community. There shall be with at least 10 hours between the breakfast and evening meals.
25	(2)	Foods and beverages that are appropriate to residents' diets shall be offered <u>in accordance with <mark>each</mark></u>
26		residents' prescribed diet or made available to all residents as snacks between each meal for a total
27		of three snacks per day and shown on the menu as snacks.
28	(3)	Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary
29		guidelines for Americans 2020-2025, which are hereby incorporated by reference including
30		subsequent amendments and editions. These guidelines can be found at
31		https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-
32		<u>2025.pdf for no</u> [cost and] include the following: cost.
33		(A) Homogenized whole milk, low fat milk, skim milk or buttermilk: [Dairy and dairy
34		alternatives: milk, yogurt, cheese, low lactose or lactose free dairy products, fortified soy
35		<mark>beverages, and soy yogurt.</mark>] <mark>One cup (8 ounces) of</mark> pasteurized milk [dairy or dairy
36		<mark>alternatives</mark>] <mark>at least</mark> twice [three_times] <mark>a_day.</mark> [Milk_served_shall_be_pasteurized.]
37		Reconstituted dry milk or diluted evaporated milk may be used in cooking only and not for

1		drinking purposes due to risk of bacterial contamination during mixing and the lower
2		nutritional value of the product if too much water is used. [only.]
3	(B)	Fruit: Two servings of fruit (one serving equals 6 ounces of juice; ¹ / ₂ cup of raw, canned
4		or cooked fruit; 1 medium size whole fruit; or ¹ / ₄ cup dried fruit). [fruit; examples of one
5		serving are as follows: 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium
-		serving are as follows. O ounces of juice, ³² cup of faw, canned of cooked fruit, 1 medium size whole fruit; or ¹ / ₄ cup dried fruit.] One serving shall be a citrus fruit or a single strength
6		size whole fruit; of 4 cup area fruit. J one serving shall be a curus fruit of a single strength juice in which there is 100% of the recommended dietary allowance of vitamin C in each
7		
8		six ounces of juice. The second fruit serving shall be of another variety of fresh, dried
9		[dried,] or canned fruit.
10	(C)	Vegetables: Three servings of vegetables (one serving equals ½ cup of cooked or canned
11		vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable). [<mark>vegetables; examples</mark>
12		of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable
13		juice; or 1 cup of raw vegetable.] One of these shall be a dark green, leafy [leafy,] or deep
14		<mark>yellow</mark> [<mark>vegetables</mark>] three times a week.
15	(D)	Eggs: One whole egg or substitute (e.g., 2 egg whites or ¼ cup of pasteurized egg product)
16		[such as 2 egg whites or ¼ cup of pasteurized egg product] at least three times a week at
17		breakfast.
18	(E)	Protein: Two to three ounces of pure cooked meat at least two times a day for a minimum
19		of 4 ounces. A substitute (e.g., [<mark>(such as</mark>] <mark>4 tablespoons of peanut butter, 1-cup of cooked</mark>
20		<mark>dried peas or</mark> beans [<mark>beans,</mark>] or 2 ounces of pure cheese) may be served three times a week
21		but not more than once a day, unless requested by the resident.
22		Note: [For the purposes of this Rule,] Bacon is considered to be fat and not meat for the
23		purposes of this Rule. [does not meet the protein requirement for meat.]
24	(F)	Cereals and Breads: At least six servings of whole grain or enriched cereal and bread or
25		grain products a day. Examples of one serving are as follows: 1 slice of bread; ½ of a
26		bagel, English muffin [English muffin,] or hamburger bun; one 1 ½-ounce muffin, 1-
27		ounce roll, 2-ounce biscuit or 2-ounce piece of cornbread; ½ cup cooked rice or cereal (e.g.,
28		[(such as] oatmeal or grits); ³ /4 cup ready to eat cereal; or one waffle, pancake [pancake,]
29		or tortilla that is six inches in diameter. Cereals and breads offered as snacks may be
30		included in meeting this requirement.
31	(G)	Fats: Include butter, oil, margarine [margarine,] or items consisting primarily of one of
32		these (e.g., such as icing or gravy) [these, such as icing or gravy.
33	(H)	Water and Other Beverages: Water shall be served to each resident at each meal, in
34	<u></u>	addition to other beverages.
35	(4) Water	shall be served to each resident at each meal, in addition to other beverages.
36	(e) Therapeutic Diets in	
50	(c) Therapeutic Diets III	riduit Ouro Hollies.

1	(1)	All therapeutic diet orders including thickened liquids shall be in writing from the resident's		
2		physician. Where applicable, the therapeutic diet order shall be specific to calorie, gram gram, or		
3	consistency, such as for calorie controlled <u>calorie-controlled</u> ADA diets, low sodium diets <u>diets</u> , o			
4	thickened liquids, unless there are written orders which that include the definition of any therapeuti			
5		diet identified in the facility's therapeutic menu approved by a registered dietitian. licensed		
6		dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a [physician		
7		or other delegated provider] physician, physician assistant, nurse practitioner, or a licensed		
8		dietician/nutritionist as delegated by the physician that is part of the treatment for a disease or		
9		clinical condition, to eliminate, decrease, or increase certain substances in the diet (e.g., sodium or		
10		potassium), or to provide mechanically altered food when indicated.		
11	(2)	Physician orders for nutritional supplements shall be in writing from the resident's physician and be		
12		brand specific, brand-specific, unless the facility has defined a house supplement in its		
13		communication to the physician, and shall specify quantity and frequency.		
14	(3)	The facility shall maintain an accurate and <u>a</u> current listing of residents with physician-ordered		
15		therapeutic diets for guidance of food service staff.		
16	(4)	All therapeutic diets, including nutritional supplements and thickened liquids, shall be served as		
17		ordered by the resident's physician.		
18	(f) Individual F	eeding Assistance in Adult Care Homes:		
19	(1)	Sufficient The facility shall provide staff shall be available for individual feeding assistance as		
20		needed. in accordance to residents' needs.		
21	(2)	Residents needing help in eating shall be assisted upon receipt of the meal and the assistance shall		
22		be unhurried and in a manner that maintains or enhances each resident's dignity and respect.		
23	(g) Variations	from the required three meals or time intervals between meals to meet individualized needs or		
24	preferences of 1	residents shall be documented in the resident's record. Each resident shall receive three meals in		
25	accordance with	resident preferences as documented in the resident's record.		
26				
27	History Note:	Authority G.S. <u>131D-2.1(4);</u> 131D-2.16; <u>131D-4.4;</u> 143B-165;		
28		Eff. January 1, 1977;		
29		Readopted Eff. October 31, 1977;		
30		Amended Eff. April 1, 1984;		
31		Temporary Amendment Eff. July 1, 2003;		
32		Amended Eff. June 1, 2004. <u>2004:</u>		
33		Readopted Eff. March 1, 2023.		

10A NCAC 13G .0904 is readopted with changes as published in 36:24 NCR 1933-1937 as follows:

3 10A NCAC 13G .0904 NUTRITION AND FOOD SERVICE

4 (a) Food Procurement and Safety in Family Care Homes:

- (1) The kitchen, dining and food storage areas shall be clean, orderly and protected from contamination.
 Food services shall comply with Rules Governing the Sanitation of Residential Care Facilities [as
 promulgated by the Commission for Public Health] set forth in 15A NCAC 18A .1600 which are
 hereby incorporated by reference, including subsequent amendments, assuring storage, preparation,
 and serving food under sanitary conditions. [Copies of these Rules can be accessed online at
 https://ehs.ncpublichealth.com/rules.htm, at no cost.]
- 11
 (2)
 All food and beverage being procured, stored, prepared or served by the facility shall be protected

 12
 from contamination.
- 13 (3)(2) All meat processing shall occur Only meat processed at a USDA-approved processing plant. plant
 14 shall be served.
- 15(4)(3)There shall be at least a three-day supply of perishable food and a five-day supply of non-perishable16food in the facility based on the menus, menus established in Paragraph (c) of this Rule, for both17regular and therapeutic diets. For the purpose of this rule "perishable food" is food that is likely to18spoil or decay if not kept refrigerated at 40 degrees Fahrenheit or below, or frozen at zero degrees19Fahrenheit or below and "non-perishable food" is food that can be stored at room temperature and20is not likely to spoil or decay within seven days.
- 21 (b) Food Preparation and Service in Family Care Homes:
- 22 (1) Sufficient staff, space [space,] and equipment shall be provided for safe and sanitary food storage,
 23 preparation [preparation,] and service.
- 24 (2)(1) Table service shall include a napkin and non-disposable place setting consisting of at least a knife,
 25 fork, spoon, plate plate, and beverage containers. Exceptions may be made on an individual basis
 26 and shall be based on documented needs or preferences of the resident.
- 27
 (3)(2)
 Hot foods shall be served hot and cold foods shall be served cold.
 cold as set forth in Rule 15A

 28
 NCAC 18A .1620(a) which is hereby incorporated by reference, including subsequent amendments.
- 29 (4)(3) If residents require feeding assistance, food shall be maintained at serving temperature until
 30 assistance is provided.

31 (c) Menus in Family Care Homes:

- Menus shall be prepared at least one week in advance with serving quantities specified and in
 accordance with the Daily Food Requirements daily food requirements in Paragraph (d) of this Rule.
- 34 (2) Menus shall be maintained in the kitchen and identified as to the current menu day and cycle for
 35 any given day for guidance of food service staff.
- 36 (3) Any substitutions made in the menu shall be of equal nutritional value, <u>in order to maintain the daily</u>
 37 <u>dietary requirements in Subparagraph (d)(3) of this Rule</u>, appropriate for therapeutic diets, and

 accounting (and) <u>in recordentiation on the formation of indicate the bools actually served to residents</u> (4) Menus shall be planned to take into account the food preferences and -usetoms of the lexidents residents as documented on the Resident Register. (5) Menus as avered and involves at <u>Barred</u>, <u>involves</u>, and other receipts of <u>for</u> food or beverage purchases shall be maintained in the facility for 30 days. (6) Menus for all therapeutic diets shall be planned or reviewed by a registered distition-licensed distition/licensed distition is approval of the therapeutic diets which chall include an original signature by the togistered distition and the registration number of the distitian <u>diets</u>. (7) The facility shall have a matching therapeutic diet menu for <u>all any resident's</u> physician-ordered therapeutic <u>diets hall be served a minimum of three nutritionally edequates</u> <u>adequate meals</u> <u>based on</u> the requirements in Family Care Homes: (1) Each resident shall be served a minimum of three nutritionally <u>edequates</u> adequate <u>meals</u> <u>based on</u> the requirements in Subparagraph (d)(3) of this [Role] pulsable meals [to the recoidents] Role Meals shall be served a day at regular hows the ween the break fast and evening meals. (2) Foods and beverages that are appropriate to residents' diver shall be offered in accordance with <u>Back</u> <u>Guidents's prescribed diet</u> and available to all residents as anacks. (3) Daily menus for regular diets shall be based on the U.S. Department of <u>Agriculture Dietary</u> <u>Guidelines for Americans 2020-2025</u>, which are hereby incorporated by reference, including subsequent <u>meals and sectoring only and and the shall be to all residents and evening meals</u>. (4) Food sand beverages that are appropriate to resident <u>distry</u> <u>Guidelines for Americans 2020-2025</u>, which are hereby incorporated by reference, including subsequent <u>meals and editions</u> <u>fires dirtry products</u>	1		documented [and] in records maintained in the kitchen to indicate the foods actually served to		
3 (4) Menus shall be planned to take into account the food preferences and customs of the settletter 4 residents as documented on the Resident Register. 5 (5) Menus as served and invoices of served, invoices, and other receipts of for food or beverage purchases shall be maintained in the facility for 30 days. 7 (6) Menus for all therapeutic diets shall be planned or reviewed by a registered dietitian's licensed dietitian/nutritionist's approval of the therapeutic diets which shall include an original signature by the registered dietitian and the registration number of the dietitian; diets. 11 (7) The facility shall have a matching therapeutic diet menu for all any resident's physician-ordered therapeuti diets dig for guidance of food service staff. 12 (d) Food Requirements in Family Care Homes: 14 (1) Fach resident shall be served a minimum of three nutritionally adequate, adequate meals based on the requirements in Subparagruph (d)(3) of this [Rule] polarable menus [to the recidents] Rule Meals shall be served a diet or made available to all residents shall be offered in accordance with gath 18 (2) Foods and beverages that are appropriate to residents' diets shall be reference, including residents' prescribed diet or made available to all residents as snacks between each meal for a total of three snacks per day and shown on the menu as snacks. 21 (3) Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary fuidelines, gov/sites/default/file/202					
4 residents as documented on the Resident Register. 5 (5) Menus as served-and-invoices or served, invoices, and other receipts of for food or beverage purchases shall be maintained in the facility for 30 days. 7 (6) Menus for all therapeutic diets shall be planned or reviewed by a registered-dietitian. Increased dietitian/nutritionist. The facility shall maintain verification of the registered-dietitian's licensed dietitian/nutritionist's approval of the therapeutic diets which shall include an original signature by the registered dietitian and the registration number of the dietitian. diets. 10 the registered dietitian and the registration number of the dietitian. diets. 11 (7) The facility shall have a matching therapeutic diet menu for all any resident's physician-ordered therapeutic diets died for guidance of food service staff. 12 (d) Food Requirements in Subparagraph (d)(3) of this [Rule] pelotable ments [to the residentis] Rule Meals shall be served a -aday at regular hours times comparable to normal meal times in the community. There shall be with at least 10 hours between the breakfast and evening meals. 18 (2) Foods and beverages thet are appropriate to residents' shalls be offered in accordance with each resident's preseribed diet or made available to all residents as snacks. 21 (3) Daity menus for regular diets shall be based on the U.S. Department of Agriculture Dietary. Guiddlens, for Americans. 2002-2025, which are hereby incorporated by reference, including subsequent amendments and editions. These guidelines for Americans-2020-2025. 2025.p		(4)			
5 (5) Menus as served and invoices, and other receipts of for food or beverage purchases shall be maintained in the facility for 30 days. 7 (6) Menus for all therapeutic diets shall be planned or reviewed by a registered distitiant, licensed distitian/nutritionist, The facility shall maintain verification of the registered distitiants licensed distitian/nutritionist, approval of the therapeutic dists which shall include an original signature by the registered distitian and the registration number of the distitiant, dicts. 11 (7) The facility shall have a matching therapeutic dist menu for of all any resident's physician-ordered therapeutic dists facility shall be are quirements in Family Care Homes: 13 (d) Food Requirements in Family Care Homes: 14 (1) Each resident shall be served a minimum of three nutritionally adequate, adequate meals based on the requirements in Subpangraph (d/3) of this [Rule] polatible meals [its the residents] Rule Meals shall be served a -day at regular hours between the breakfast and evening meals. 18 (2) Foods and beverages that are appropriate to residents' dists shall be offered in accordance with each residents' prescribed diet or made available to all residents as snacks. 21 (3) Daily menus for regular diets shall be bused on the U.S. Department of Agriculture Dietary Guidelines for Americans-2020-2025, policitary Guidelines for Americans-2020-2025, policitary Guidelines for Americans-2020-2025, policitary Guidelines for Americans-2020-2025, policitary guidelines and editions. These guidelines for Americans-2020-2025, policit ato polestarized milk [dainy-ore		(ד)			
6 purchases shall be maintained in the facility for 30 days. 7 (6) Menus for all therapeutic diets shall be planned or reviewed by a registered dietitian/nutritionist,"s approval of the therapeutic diets which shall include an original signature by the registered dietitian durits, approval of the therapeutic diets which shall include an original signature by the registered dietitian durits, approval of the therapeutic diets which shall include an original signature by the registered dietitian and the registerial number of the dietitian. diets. 11 (7) The facility shall have a matching therapeutic diet which shall include an original signature by the registered dietitian. 12 (d) Food Requirements in Family Care Homes: 14 (1) Each resident shall be served a minimum of three nutritionally adequate, adequate meals based on the requirements in Subparagraph (d)(3) of this [Rule] pulatable meals [to the residents] Rule Meals shall be served a -day at regular homo times comparable to normal meal times in the community. There shall be with at least 10 hours between the breakfast and evening meals. 18 (2) Foods and beverages that are appropriate to resident-diets shall be offered in accordance with each residents' prescribed diet or made available to all residents as snacks. 21 (3) Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary Guidelines for Americans 2020-2025, which are hereby incorporated by reference, including subsequent amendments and editions. These guidelines can be found at https://dictaryguidelines.gov/sits/default/files/2021-03/Dietary.Guidelines for American		(5)			
 (6) Menus for all therapeutic diets shall be planned or reviewed by a registered dietitian/hutritionist_s approval of the therapeutic diets which shall include an original signature by the registered dietitian/hutritionist_s approval of the therapeutic diets which shall include an original signature by the registered dietitian and the registration number of the dietitian. dicts. (1) The facility shall have a matching therapeutic diet menu for all any resident's physician-ordered therapeutic diets diet for guidance of food service staff. (d) Food Requirements in Family Care Homes: (1) Each resident shall be served a minimum of three nutritionally adequate, adequate meals based on the requirements in Subparagraph (d/3) of this [Rule]] palatable meals [to the residents-] Rule. Meals shall be served a day at regular hours times comparable to normal meal times in the community. There shall be with at least 10 hours between the breakfast and evening meals. (2) Foods and beverages that are appropriate to residents' diets shall be offered in accordance with each residents' prescribed diet or made available to all residents as snacks. (3) Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary Guidelines for Americans 2020-2025, which are hereby incorporated by reference, including subsequent amendments and editions. These guidelines for Americans-2020-2025. 2025.pdf, at no [coot and] include the following cost: (A) Homogenized whole milk, low fut milk, or butternilk [Dairy and dairy alternatives; milk, yogurt, cheese, low lactose or hatose free dairy products, fortified soy becompes, and soy yogurf. One cup (& cunces) of guaterized milk [dairy or dairy alternatives; milk, yogurt, cheese, low lactose or lactose free dairy products, fortified soy becompes, and soy yogurf. One cup (& cunces) of guaterized milk [dairy or dairy alternatives] milk, yogurt, cheese, low lactose or lactose free dairy products, fortified soy becompe		(3)			
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	37		juice in which there is 100% of the recommended dietary allowance of vitamin C in each		

1 six ounces of juice. The second fruit serving shall be of another variety of fresh 2 [dried,] 3 (C) Vegetables: Three servings of vegetables (one serving equals ½ cup of cooked or vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable). [vegetables; ex 5 of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable	canned amples getable
3 (C) Vegetables: Three servings of vegetables (one serving equals ½ cup of cooked or vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable). [vegetables; ex 4 vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable). [vegetables; ex 5 of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable	<mark>amples</mark> getable
4 vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable). [vegetables; ex 5 of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable	<mark>amples</mark> getable
5 of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of ve	<mark>getable</mark>
	<mark>ər deep</mark>
6	-
7 yellow [vegetables] three times a week.	
8 (D) Eggs: One whole egg or substitute (e.g., 2 egg whites or ¼ cup of pasteurized egg p	roduct)
9 [such as 2 egg whites or ¼ cup of pasteurized egg product] at least three times a v	
10 breakfast.	
11 (E) Protein: Two to three ounces of pure cooked meat at least two times a day for a mi	<mark>nimum</mark>
12 of 4 ounces. A substitute (e.g., [(such as]) 4 tablespoons of peanut butter, 1 cup of (<mark>cooked</mark>
13 dried peas or beans or 2 ounces of pure cheese) may be served three times a week	<mark>but not</mark>
14 more than once a day, unless requested by the resident.	
15	for the
16 purposes of this Rule. [does not meet the protein requirement for meat.]	
17 (F) Cereals and Breads: At least six servings of whole grain or enriched cereal and b	<mark>read-or</mark>
18 grain products a day. Examples of one serving are as follows: 1 slice of bread;	<mark>½ of a</mark>
19 bagel, English muffin or hamburger bun; one 1 ½-ounce muffin, 1-ounce roll, 2	-ounce
20 biscuit or 2-ounce piece of combread; ½ cup cooked rice or cereal (e.g., [(such as]) e	<mark>atmeal</mark>
21 o r grits); ¾ cup ready to eat cereal; or one waffle, pancake [pancake,] or tortilla the	<mark>ıt is six</mark>
22 inches in diameter. Cereals and breads offered as snacks may be included in meeti	<mark>ng this</mark>
23 requirement.	
24 (G) Fats: Include butter, oil, margarine [margarine,] or items consisting primarily of	one of
25 these (e.g., icing or gravy) [these, such as icing or gravy.]	
26 (H) Water and Other Beverages: Water shall be served to each resident at each m	<mark>ieal, in</mark>
27 addition to other beverages.	
28 (4) Water shall be served to each resident at each meal, in addition to other beverages.	
29 (e) Therapeutic Diets in Family Care Homes:	
30 (1) All therapeutic diet orders including thickened liquids shall be in writing from the res	sident's
31 physician. Where applicable, the therapeutic diet order shall be specific to calorie, gram g	<u>ram,</u> or
32 consistency, such as for calorie controlled <u>calorie-controlled</u> ADA diets, low sodium diets <u>d</u>	<u>iets,</u> or
33 thickened liquids, unless there are written orders which that include the definition of any there	apeutic
34 diet identified in the facility's therapeutic menu approved by a registered dietitian. li	censed
35 <u>dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a</u> [ph	<mark>ysician</mark>
36 or other delegated provider] physician, physician assistant, nurse practitioner, or a li	censed
37 dietician/nutritionist as delegated by the physician that is part of the treatment for a disc	ease or

1		clinical condition, to eliminate, decrease, or increase certain substances in the diet (e.g., sodium or
2		potassium), or to provide mechanically altered food when indicated.
3	(2)	Physician orders for nutritional supplements shall be in writing from the resident's physician and be
4		brand specific, brand-specific, unless the facility has defined a house supplement in its
5		communication to the physician, and shall specify quantity and frequency.
6	(3)	The facility shall maintain an accurate and a current listing of residents with physician-ordered
7		therapeutic diets for guidance of food service staff.
8	(4)	All therapeutic diets, including nutritional supplements and thickened liquids, shall be served as
9		ordered by the resident's physician.
10	(f) Individual H	Feeding Assistance in Family Care Homes:
11	(1)	Sufficient The facility shall provide staff shall be available for individual feeding assistance as
12		needed. in accordance with residents' needs.
13	(2)	Residents needing help in eating shall be assisted upon receipt of the meal and the assistance shall
14		be unhurried and in a manner that maintains or enhances each resident's dignity and respect.
15	(g) Variations	from the required three meals or time intervals between meals to meet individualized needs or
16	preferences of	residents shall be documented in the resident's record. Each resident shall receive three meals in
17	accordance witl	n resident preferences as documented in the resident's record.
18		
19	History Note:	Authority G.S. <u>131D-2.1(4);</u> 131D-2.16; <u>131D-4.4;</u> 143B-165;
20		Eff. January 1, 1977;
21		Amended Eff. October 1, 1977; April 22, 1977;
22		Readopted Eff. October 31, 1977;
23		Amended Eff. August 3, 1992; July 1, 1990; September 1, 1987; April 1, 1987;
24		Temporary Amendment Eff. July 1, 2003;
25		Amended Eff. June 1, 2004. <u>2004;</u>
26		<u>Readopted Eff. March 1, 2023.</u>

From:	Pfeiffer, Nadine
Sent:	Friday, January 27, 2023 3:19 PM
То:	Duke, Lawrence
Cc:	Burgos, Alexander N
Subject:	Technical Changes - MCC rules 10A NCAC 13F & 13G
Attachments:	10A NCAC 13F .0904.docx; 10A NCAC 13G .0904.docx; Technical Change Requests 13F-G Response
	Feb RRC.docx

Lawrence,

We were notified of the technical changes on December 7, 2022 pursuant to G.S. 150B-21.10 for the following rules: 10A NCAC 13F .0904 and 10A NCAC 13G .0904. In preparation for the February 16, 2023 RRC meeting, attached to this email you will find the amended text for those rules as requested in the Request for Technical Change document received, as well as the Agency's responses to the concerns raised in the "Request for Changes" document as seen in bold black font on the document.

Should you have any questions regarding the attachments, or should you have any follow up questions or concerns, please feel free to contact me.

Thank you,

Nadine Pfeiffer Rules Review Manager Division of Health Service Regulation NC Department of Health and Human Services

Office: 919-855-3811 Fax: 919-733-2757 nadine.pfeiffer@dhhs.nc.gov

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10A NCAC 13F .0904 is readopted with changes as published in 36:24 NCR 1933-1937 as follows:

3 10A NCAC 13F .0904 NUTRITION AND FOOD SERVICE

- 4 (a) Food Procurement and Safety in Adult Care Homes:
- 5 (1)The kitchen, dining and food storage areas shall be clean, orderly and protected from contamination. 6 Facilities with a licensed capacity of 7 to 12 residents shall ensure food services comply with Rules 7 Governing the Sanitation of Residential Care Facilities set forth in 15A NCAC 18A .1600 which 8 are hereby incorporated by reference, including subsequent amendments, assuring storage, 9 preparation, and serving food and beverage under sanitary conditions. All food and beverage being procured, stored, prepared or served by the facility shall be protected 10 (2) 11 from contamination. Facilities with a licensed capacity of 13 or more residents shall ensure food 12 services comply with Rules Governing the Sanitation of Restaurants and Other Foodhandling
- 13
 Establishments
 Hospitals, Nursing Homes, Adult Care Homes and Other Institutions set forth in

 14
 15A NCAC 18A .1300 which are hereby incorporated by reference, including subsequent

 15
 amendments, assuring storage, preparation, and serving of food and beverage under sanitary

 16
 conditions.
- 17 (3) All meat processing shall occur <u>Only meat processed</u> at a USDA-approved processing plant, <u>plant</u>
 18 <u>shall be served.</u>
- 19(4)There shall be at least a three-day supply of perishable food and a five-day supply of non-perishable20food in the facility based on the menus, menus established in Paragraph (c) of this Rule for both21regular and therapeutic diets. For the purpose of this rule "perishable food" is food that is likely to22spoil or decay if not kept refrigerated at 40 degrees Fahrenheit or below, or frozen at zero degrees23Fahrenheit or below and "non-perishable food" is food that can be stored at room temperature and24is not likely to spoil or decay within seven days.
- 25 (b) Food Preparation and Service in Adult Care Homes:
- 26 (1) Sufficient staff, space [space,] and equipment shall be provided for safe and sanitary food storage,
 27 preparation [preparation,] and service.
- Table service shall include a napkin and non-disposable place setting consisting of at least a knife,
 fork, spoon, plate plate, and beverage containers. Exceptions may be made on an individual basis
 and shall be based on documented needs or preferences of the resident.
- 31
 (3)(2)
 Hot foods shall be served hot and cold foods shall be served cold. cold as set forth in Rule 15A

 32
 NCAC 18A .1620(a) for facilities with a licensed capacity of 7 to 12 residents and as set forth in

 33
 Rule 15A NCAC 18A .1323 Food Protection in Activity Kitchens, Rehabilitation Kitchens, and

 34
 Nourishment Stations for facilities with a licensed capacity of 13 or more residents, which are

 35
 hereby incorporated by reference, including subsequent amendments.
- 36 (4)(3) If residents require feeding assistance, food shall be maintained at serving temperature until
 37 assistance is provided.

1	(c) Menus in Ac	dult Care Homes:
2	(1)	Menus shall be prepared at least one week in advance with serving quantities specified and in
3		accordance with the Daily Food Requirements daily food requirements in Paragraph (d) of this Rule.
4	(2)	Menus shall be maintained in the kitchen and identified as to the current menu day and cycle for
5		any given day for guidance of food service staff.
6	(3)	Any substitutions made in the menu shall be of equal nutritional value, in order to maintain the daily
7		dietary requirements in Subparagraph (d)(3) of this Rule, appropriate for therapeutic diets diets, and
8		documented [and] in records maintained in the kitchen to indicate the foods actually served to
9		residents.
10	(4)	Menus shall be planned to take into account the food preferences and customs of the residents.
11		residents as documented on the Resident Register.
12	(5)	Menus as served and invoices or <u>served, invoices, and</u> other receipts of <u>for food or beverage</u>
13		purchases shall be maintained in the facility for 30 days.
14	(6)	Menus for all therapeutic diets shall be planned or reviewed by a registered dietitian. licensed
15		dietitian/nutritionist. The facility shall maintain verification of the registered dietitian's licensed
16		dietitian/nutritionist's approval of the therapeutic diets which shall include an original signature by
17		the registered dietitian and the registration number of the dietitian. diets.
18	(7)	The facility shall have a matching therapeutic diet menu for all any resident's physician-ordered
19		therapeutic diets diet for guidance of food service staff.
20	(d) Food Requir	rements in Adult Care Homes:
21	(1)	Each resident shall be served a minimum of three nutritionally adequate, adequate meals based on
22		the requirements in Subparagraph (d)(3) of this [Rule,] palatable meals [to the residents.] Rule.
23		Meals shall be served a day at regular hours times comparable to normal meal times in the
24		community. There shall be with at least 10 hours between the breakfast and evening meals.
25	(2)	Foods and beverages that are appropriate to residents' diets shall be offered <u>in accordance with <mark>each</mark></u>
26		residents' prescribed diet or made available to all residents as snacks between each meal for a total
27		of three snacks per day and shown on the menu as snacks.
28	(3)	Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary
29		guidelines for Americans 2020-2025, which are hereby incorporated by reference including
30		subsequent amendments and editions. These guidelines can be found at
31		https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-
32		<u>2025.pdf for no [cost and]</u> include the following: cost.
33		(A) Homogenized whole milk, low fat milk, skim milk or buttermilk: [Dairy and dairy
34		alternatives: milk, yogurt, cheese, low lactose or lactose free dairy products, fortified soy
35		<mark>beverages, and soy yogurt.</mark>] <mark>One cup (8 ounces) of</mark> pasteurized milk [<mark>dairy or dairy</mark>
36		<mark>alternatives</mark>] <mark>at least</mark> twice [t hree_times] <mark>a_day.</mark> [<mark>Milk_served_shall_be_pasteurized.</mark>]
37		Reconstituted dry milk or diluted evaporated milk may be used in cooking only and not for

1		drinking purposes due to risk of bacterial contamination during mixing and the lower
2		nutritional value of the product if too much water is used. [only.]
3	(B)	Fruit: Two servings of fruit (one serving equals 6 ounces of juice; ½ cup of raw, canned
4		or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit). [fruit; examples of one
5		serving are as follows: 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium-
6		size whole fruit; or ¼ cup dried fruit.] One serving shall be a citrus fruit or a single strength
7		juice in which there is 100% of the recommended dietary allowance of vitamin C in each
8		six ounces of juice. The second fruit serving shall be of another variety of fresh, dried
9		[<mark>dried,</mark>] or canned fruit.
10	(C)	Vegetables: Three servings of vegetables (one serving equals ½ cup of cooked or canned
11		vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable). [<mark>vegetables; examples</mark>
12		of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable
13		<mark>juice; or 1 cup of raw vegetable.</mark>] <mark>One of these shall be a dark green,</mark> leafy [<mark>leafy,</mark>] <mark>or deep</mark>
14		yellow [vegetables] three times a week.
15	(D)	Eggs: One whole egg or substitute (e.g., 2 egg whites or ¼ eup of pasteurized egg product)
16		[such as 2 egg whites or ¼ cup of pasteurized egg product] at least three times a week at
17		breakfast.
18	(E)	Protein: Two to three ounces of pure cooked meat at least two times a day for a minimum
19		of 4 ounces. A substitute (e.g., [<mark>(such as</mark>] <mark>4 tablespoons of peanut butter, 1 cup of cooked</mark>
20		dried peas or beans [beans.] or 2 ounces of pure cheese) may be served three times a week
21		but not more than once a day, unless requested by the resident.
22		Note: [For the purposes of this Rule,] Bacon is considered to be fat and not meat for the
23		purposes of this Rule. [does not meet the protein requirement for meat.]
24	(F)	Cereals and Breads: At least six servings of whole grain or enriched cereal and bread or
25		grain products a day. Examples of one serving are as follows: 1 slice of bread; ½ of a
26		<mark>bagel,</mark> English muffin [<mark>English muffin,</mark>] or hamburger bun; one 1 ½ ounce muffin, 1
27		ounce roll, 2-ounce biscuit or 2-ounce piece of cornbread; ½ cup cooked rice or cereal (e.g.,
28		[<mark>(such as</mark>] oatmeal or grits); ¾ cup ready to eat cereal; or one waffle, pancake [pancake,]
29		or tortilla that is six inches in diameter. Cereals and breads offered as snacks may be
30		included in meeting this requirement.
31	<mark>(G)</mark>	Fats: Include butter, oil, margarine [margarine,] or items consisting primarily of one of
32		these (e.g., such as icing or gravy) [these, such as icing or gravy.]
33	(H)	Water and Other Beverages: Water shall be served to each resident at each meal, in
34		addition to other beverages.
35	(4) Water	shall be served to each resident at each meal, in addition to other beverages.
36	(e) Therapeutic Diets in	Adult Care Homes:

1	(1)	All therapeutic diet orders including thickened liquids shall be in writing from the resident's		
2	(1)	physician. Where applicable, the therapeutic diet order shall be specific to calorie, gram gram, or		
2		consistency, such as for calorie controlled <u>calorie-controlled</u> ADA diets, low sodium diets <u>diets</u> , or		
4	thickened liquids, unless there are written orders which that include the definition of any therapeut			
5		diet identified in the facility's therapeutic menu approved by a registered dietitian. licensed		
6		dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a [physician]		
7		or other delegated provider] physician, physician assistant, nurse practitioner, or a licensed		
8		dietician/nutritionist as delegated by the physician that is part of the treatment for a disease or		
9		clinical condition, to eliminate, decrease, or increase certain substances in the diet (e.g., sodium or		
10		potassium), or to provide mechanically altered food when indicated.		
11	(2)	Physician orders for nutritional supplements shall be in writing from the resident's physician and be		
12		brand specific, brand-specific, unless the facility has defined a house supplement in its		
13		communication to the physician, and shall specify quantity and frequency.		
14	(3)	The facility shall maintain an accurate and a current listing of residents with physician-ordered		
15		therapeutic diets for guidance of food service staff.		
16	(4)	All therapeutic diets, including nutritional supplements and thickened liquids, shall be served as		
17		ordered by the resident's physician.		
18	(f) Individual F	eeding Assistance in Adult Care Homes:		
19	(1)	Sufficient The facility shall provide staff shall be available for individual feeding assistance as		
20		needed. in accordance to residents' needs.		
21	(2)	Residents needing help in eating shall be assisted upon receipt of the meal and the assistance shall		
22		be unhurried and in a manner that maintains or enhances each resident's dignity and respect.		
23	(g) Variations	from the required three meals or time intervals between meals to meet individualized needs or		
24	preferences of	residents shall be documented in the resident's record. Each resident shall receive three meals in		
25	accordance with	resident preferences as documented in the resident's record.		
26				
27	History Note:	Authority G.S. <u>131D-2.1(4); 131D-4-4;</u> 131D-2.16; 143B-165;		
28		Eff. January 1, 1977;		
29		Readopted Eff. October 31, 1977;		
30		Amended Eff. April 1, 1984;		
31		Temporary Amendment Eff. July 1, 2003;		
32		Amended Eff. June 1, 2004. <u>2004:</u>		
33		<u>Readopted Eff. March 1, 2023.</u>		

10A NCAC 13G .0904 is readopted with changes as published in 36:24 NCR 1933-1937 as follows:

3 10A NCAC 13G .0904 NUTRITION AND FOOD SERVICE

- 4 (a) Food Procurement and Safety in Family Care Homes:
- 5 (1) The kitchen, dining and food storage areas shall be clean, orderly and protected from contamination.
 6 Food services shall comply with Rules Governing the Sanitation of Residential Care Facilities [as
 7 promulgated by the Commission for Public Health] set forth in 15A NCAC 18A .1600 which are
 8 hereby incorporated by reference, including subsequent amendments, assuring storage, preparation,
 9 and serving food under sanitary conditions. [Copies of these Rules can be accessed online at
 10 https://ehs.ncpublichealth.com/rules.htm, at no cost.]
- 11
 (2)
 All food and beverage being procured, stored, prepared or served by the facility shall be protected

 12
 from contamination.
- 13 (3)(2) All meat processing shall occur Only meat processed at a USDA-approved processing plant. plant
 14 shall be served.
- 15(4)(3)There shall be at least a three-day supply of perishable food and a five-day supply of non-perishable16food in the facility based on the menus, menus established in Paragraph (c) of this Rule, for both17regular and therapeutic diets. For the purpose of this rule "perishable food" is food that is likely to18spoil or decay if not kept refrigerated at 40 degrees Fahrenheit or below, or frozen at zero degrees19Fahrenheit or below and "non-perishable food" is food that can be stored at room temperature and20is not likely to spoil or decay within seven days.
- 21 (b) Food Preparation and Service in Family Care Homes:
- 22 (1) Sufficient staff, space [space,] and equipment shall be provided for safe and sanitary food storage,
 23 preparation [preparation,] and service.
- 24
 (2)(1)
 Table service shall include a napkin and non-disposable place setting consisting of at least a knife,

 25
 fork, spoon, plate plate, and beverage containers. Exceptions may be made on an individual basis

 26
 and shall be based on documented needs or preferences of the resident.
- 27
 (3)(2)
 Hot foods shall be served hot and cold foods shall be served cold.
 cold as set forth in Rule 15A

 28
 NCAC 18A .1620(a) which is hereby incorporated by reference, including subsequent amendments.
- 29 (4)(3) If residents require feeding assistance, food shall be maintained at serving temperature until
 30 assistance is provided.

31 (c) Menus in Family Care Homes:

- Menus shall be prepared at least one week in advance with serving quantities specified and in
 accordance with the Daily Food Requirements daily food requirements in Paragraph (d) of this Rule.
- 34 (2) Menus shall be maintained in the kitchen and identified as to the current menu day and cycle for
 35 any given day for guidance of food service staff.
- 36 (3) Any substitutions made in the menu shall be of equal nutritional value, <u>in order to maintain the daily</u>
 37 <u>dietary requirements in Subparagraph (d)(3) of this Rule</u>, appropriate for therapeutic diets, and

1		documented [and] in records maintained in the kitchen to indicate the foods actually served to		
2		residents.		
3	(4)	Menus shall be planned to take into account the food preferences and customs of the residents.		
4		residents as documented on the Resident Register.		
5	(5)	Menus as served and invoices or <u>served, invoices, and</u> other receipts <mark>of</mark> <u>for food or beverage</u>		
6		purchases shall be maintained in the facility for 30 days.		
7	(6)	Menus for all therapeutic diets shall be planned or reviewed by a registered dietitian. licensed		
8		dietitian/nutritionist. The facility shall maintain verification of the registered dietitian's licensed		
9		dietitian/nutritionist's approval of the therapeutic diets which shall include an original signature by		
10		the registered dietitian and the registration number of the dietitian. diets.		
11	(7)	The facility shall have a matching therapeutic diet menu for all any resident's physician-ordered		
12		therapeutic diets diet for guidance of food service staff.		
13	(d) Food Requ	irements in Family Care Homes:		
14	(1)	Each resident shall be served a minimum of three nutritionally adequate, adequate meals based on		
15		the requirements in Subparagraph (d)(3) of this [Rule,] palatable meals [to the residents.] Rule.		
16		Meals shall be served a day at regular hours times comparable to normal meal times in the		
17		community. There shall be with at least 10 hours between the breakfast and evening meals.		
18	(2)	Foods and beverages that are appropriate to residents' diets shall be offered <u>in accordance with <mark>each</mark></u>		
19		residents' prescribed diet or made available to all residents as snacks between each meal for a total		
20		of three snacks per day and shown on the menu as snacks.		
21	(3)	Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary		
22		Guidelines for Americans 2020-2025, which are hereby incorporated by reference, including		
23		subsequent amendments and editions. These guidelines can be found at		
24		https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-		
25		<u>2025.pdf, at no [cost and]</u> include the following: <u>cost.</u>		
26		(A) Homogenized whole milk, low fat milk, skim milk or buttermilk: [Dairy and dairy		
27		alternatives: milk, yogurt, cheese, low lactose or lactose free dairy products, fortified soy		
28		beverages, and soy yogurt.] One cup (8 ounces) of pasteurized milk [dairy or dairy		
29		alternatives] at least twice [three times] a day. [Milk served shall be pasteurized.]		
30		Reconstituted dry milk or diluted evaporated milk may be used in cooking only and not for		
31		drinking purposes due to risk of bacterial contamination during mixing and the lower		
32		nutritional value of the product if too much water is used. [only.]		
33 34		(B) Fruit: Two servings of fruit (one serving equals 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit). [fruit; examples of one		
34 35		or cooked fruit; I medium size whole fruit; or ¹ /4 cup dried fruit). [truit; examples of one serving are as follows: 6 ounces of juice; ¹ /2 of raw, canned or cooked fruit; 1 medium size		
35 36		serving are as follows: 6 ounces of juice; 2 of raw, canned of cooked fruit; 1 medium size whole fruit; or 1/4 cup dried fruit.] One serving shall be a citrus fruit or a single strength		
30 37		whole fruit; or $\frac{1}{4}$ cup area fruit.] One serving shall be a citrus fruit of a single strength juice in which there is 100% of the recommended dietary allowance of vitamin C in each		
51		Juice in which there is 10070 of the recommended thetary anowance of vitamin C in each		

2 [drivel], [or connect fruit] 3 (C) Vegetables: Three servings of vegetables (one serving equals ½ cup of cooked or canned vegetable), [wegetables, currentles of one serving are an follow: ½ cup of cooked or canned vegetable), [wegetables], [or decemperative servings of new regetable]. One of these shall be a dark green, leafy [leafy] or deep pailew [vegetable], [or exclude age are abstinut (e.g., 2 egg whites or ½ cup of pasteurized egg product) 7 yellow [vegetable], [bree times a week] 8 (D) liggs: One vhole egg or substinut (e.g., 2 egg whites or ½ cup of pasteurized egg product) 9 [sach as 2 egg whites or ¼ cup of pasteurized egg product] at least three times a week at the breakfair. 10 breakfair. 11 (E) Protein: Two to three ounces of pure looked ment at least three times a week but at the dired pease or bears or 2 ounce of pure looked ment at least three times at week but at the more than once a day unless requested by the resident: 13	1			six ounces of juice. The second fruit serving shall be of another variety of fresh, dried
3 (C) Vegetables: Three-servings of vegetables (one serving equals 14 cap of cooked or canned 4 vegetables: 6 onnees of vegetables juice; or 1 cap of raw vegetable; forance of vegetable 5 inter; or 1 cap of raw vegetable. One of these shuft be a dark green; tenty [lentyr] or deep 7 veltaw [vegetables] three times a week: 8 (D) Egges: One whole egg or substitute (e.g., 2 egg whites or 3/ cap of pasteurized egg product) 9 Igges: One whole egg or substitute (e.g., (such as] tablespoons of pasteurized egg product) 10 Vegetables: Two to three ences of pure socked meat at least two times a day for a minimum 11 (C) Protein: Two to three ences of pure socked meat at least two times a day for a minimum 12 vegetables: The purpose: of this: Rule; [leasen is considered to be fat and not meet for the purpose: of this: Rule; [dees not meet the protein requirement for meet] 13 vegetables: more than once a day, rules: cap ere telly the resident 14 egg the purpose: of this: Rule; [dees not meet the protein requirement for meet] 15 egget. English multim or humburger bur; one 1/4; ounce multim, 1 ounce rolf, 2 onte a minimation rules in diameter. Careals and breads of irred as snacks may be included in meeting this include the dar irregures. 16 egget. English multim or humburger bur; one reads, may be included in meeting this include to there ever	2			
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 (4) Water shall be served to each resident at each meal, in addition to other beverages. (e) Therapeutic Diets in Family Care Homes: (1) All therapeutic diet orders including thickened liquids shall be in writing from the resident's physician. Where applicable, the therapeutic diet order shall be specific to calorie, gram gram, or consistency, such as for calorie controlled calorie-controlled ADA diets, low sodium diets diets, or thickened liquids, unless there are written orders which that include the definition of any therapeutic diet identified in the facility's therapeutic menu approved by a registered dietitian. licensed dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a [physician 	26		(H)	Water and Other Beverages: Water shall be served to each resident at each meal, in
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30(1)All therapeutic diet orders including thickened liquids shall be in writing from the resident's31physician. Where applicable, the therapeutic diet order shall be specific to calorie, gram gram, or32consistency, such as for ealorie controlled calorie-controlled ADA diets, low sodium diets diets, or33thickened liquids, unless there are written orders which that include the definition of any therapeutic34diet identified in the facility's therapeutic menu approved by a registered dietitian. licensed35dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a [physician	28	(4)	Water s	shall be served to each resident at each meal, in addition to other beverages.
31physician. Where applicable, the therapeutic diet order shall be specific to calorie, gram gram, or32consistency, such as for calorie controlled calorie-controlled ADA diets, low sodium diets diets, or33thickened liquids, unless there are written orders which that include the definition of any therapeutic34diet identified in the facility's therapeutic menu approved by a registered dietitian. licensed35dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a [physician	29	(e) Therapeutic	Diets in	Family Care Homes:
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33thickened liquids, unless there are written orders which that include the definition of any therapeutic34diet identified in the facility's therapeutic menu approved by a registered dietitian. licensed35dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a [physician	31		physici	an. Where applicable, the therapeutic diet order shall be specific to calorie, gram gram, or
34 diet identified in the facility's therapeutic menu approved by a registered dietitian. licensed 35 dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a [physician	32		consist	ency, such as for calorie controlled <u>calorie-controlled</u> ADA diets, low sodium diets <u>diets</u> , or
35 <u>dietitian/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a</u> [physician	33		thicken	ed liquids, unless there are written orders which that include the definition of any therapeutic
	34		diet id	entified in the facility's therapeutic menu approved by a registered dietitian. licensed
36 or other delegated provider physician, physician assistant, nurse practitioner, or a licensed	35		<u>dietitia</u>	n/nutritionist. For the purpose of this Rule "therapeutic diet" is a diet ordered by a [physician
	36		<mark>or oth</mark>	er delegated provider] <u>physician, physician assistant, nurse practitioner, or a licensed</u>
37 <u>dietician/nutritionist as delegated by the physician</u> that is part of the treatment for a disease or	37		<u>dieticia</u>	n/nutritionist as delegated by the physician that is part of the treatment for a disease or

1		clinical condition, to eliminate, decrease, or increase certain substances in the diet (e.g., sodium or	
2		potassium), or to provide mechanically altered food when indicated.	
3	(2)	Physician orders for nutritional supplements shall be in writing from the resident's physician and be	
4		brand specific, brand-specific, unless the facility has defined a house supplement in its	
5		communication to the physician, and shall specify quantity and frequency.	
6	(3)	The facility shall maintain an accurate and a current listing of residents with physician-ordered	
7		therapeutic diets for guidance of food service staff.	
8	(4)	All therapeutic diets, including nutritional supplements and thickened liquids, shall be served as	
9		ordered by the resident's physician.	
10	(f) Individual Feeding Assistance in Family Care Homes:		
11	(1)	Sufficient The facility shall provide staff shall be available for individual feeding assistance as	
12		needed. in accordance with residents' needs.	
13	(2)	Residents needing help in eating shall be assisted upon receipt of the meal and the assistance shall	
14		be unhurried and in a manner that maintains or enhances each resident's dignity and respect.	
15	(g) Variations	from the required three meals or time intervals between meals to meet individualized needs or	
16	preferences of	residents shall be documented in the resident's record. Each resident shall receive three meals in	
17	accordance with	resident preferences as documented in the resident's record.	
18			
19	History Note:	Authority G.S. <u>131D-2.1(4); 131D-4.4;</u> 131D-2.16; 143B-165;	
20		Eff. January 1, 1977;	
21		Amended Eff. October 1, 1977; April 22, 1977;	
22		Readopted Eff. October 31, 1977;	
23		Amended Eff. August 3, 1992; July 1, 1990; September 1, 1987; April 1, 1987;	
24		Temporary Amendment Eff. July 1, 2003;	
25		Amended Eff. June 1, 2004. <u>2004;</u>	
26		<u>Readopted Eff. March 1, 2023.</u>	

Subject: FW: Request to extend the period of review - MCC rules 10A NCAC 13F & G

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Monday, January 9, 2023 10:29 AM
To: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Cc: Jones, Shalisa R <shalisa.jones@dhhs.nc.gov>; Lamphere, Megan <megan.lamphere@dhhs.nc.gov>; Kinsey, Libby
libby.kinsey@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Request to extend the period of review - MCC rules 10A NCAC 13F & G

Nadine,

Thank you for checking in on these rules and letting me know your plan. That works for me. I look forward to working on these rules with you once your responses are ready.

Lawrence Duke Counsel, NC Rules Review Commission Office of Administrative Hearings (984) 236-1938

From: Pfeiffer, Nadine <<u>nadine.pfeiffer@dhhs.nc.gov</u>>
Sent: Wednesday, January 4, 2023 3:21 PM
To: Duke, Lawrence <<u>lawrence.duke@oah.nc.gov</u>>
Cc: Jones, Shalisa R <<u>shalisa.jones@dhhs.nc.gov</u>>; Lamphere, Megan <<u>megan.lamphere@dhhs.nc.gov</u>>; Kinsey, Libby
<<u>libby.kinsey@dhhs.nc.gov</u>>
Subject: Request to extend the period of review - MCC rules 10A NCAC 13F & G

Good Afternoon, Lawrence,

Happy New Year! Just to follow up on the status on the Medical Care Commission rules 10A NCAC 13F .0904 and 10A NCAC 13G .0905 we requested to extend the period of review at the December 15, 2022 RRC meeting. We are still working on the technical changes for those rules so we will not be submitting anything to you for the January RRC meeting. We will definitely send you our technical changes by your deadline date of February 3, 2023 for the February 16, 2022 RRC meeting.

Nadine Pfeiffer

Rules Review Manager Division of Health Service Regulation <u>NC Department of Health and Human Services</u>

Office: 919-855-3811 Fax: 919-733-2757 nadine.pfeiffer@dhhs.nc.gov

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Subject: FW: RRC - 10A NCAC 13F & 13G

From: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Sent: Friday, December 16, 2022 12:24 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC - 10A NCAC 13F & 13G

Thank you!

Nadine Pfeiffer Rules Review Manager Division of Health Service Regulation NC Department of Health and Human Services

Office: 919-855-3811 Fax: 919-733-2757 nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building 2701 Mail Service Center Raleigh, NC 27699-2701

From:	Duke, Lawrence
Sent:	Friday, December 16, 2022 11:45 AM
То:	Pfeiffer, Nadine
Cc:	Burgos, Alexander N
Subject:	RRC - 10A NCAC 13F & 13G
Attachments:	12.2022 - Medical Care Commission - Extension Letter.pdf

Good morning,

Attached, please find a letter of extension for the above captioned rules. Please let me know if you have any questions or concerns.

Thank you,

Lawrence Duke



Counsel to the North Carolina Rules Review Commission Office of Administrative Hearings <u>Lawrence.Duke@oah.nc.sov</u> (984) 236-1938

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Subject: FW: Request to extend the period of review

From: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Sent: Tuesday, December 13, 2022 11:35 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Lamphere, Megan <megan.lamphere@dhhs.nc.gov>; Jones, Shalisa R <shalisa.jones@dhhs.nc.gov>; Milliken, Emery
<emery.milliken@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kinsey, Libby
libby.kinsey@dhhs.nc.gov>
Subject: RE: Request to extend the period of review

Thank you very much, Lawrence, for letting me know the deadlines for the upcoming meetings for us to get the responses to the technical changes back to you. I will definitely keep you informed to our progress on these rules and which RRC meeting we wish to take these rules to.

I appreciate your assistance with this matter. Have a wonderful day!

Nadine Pfeiffer Rules Review Manager Division of Health Service Regulation

NC Department of Health and Human Services

Office: 919-855-3811 Fax: 919-733-2757 nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building 2701 Mail Service Center Raleigh, NC 27699-2701

state official.

Subject: FW: Request to extend the period of review

From: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Sent: Tuesday, December 13, 2022 11:35 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Lamphere, Megan <megan.lamphere@dhhs.nc.gov>; Jones, Shalisa R <shalisa.jones@dhhs.nc.gov>; Milliken, Emery
<emery.milliken@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kinsey, Libby
libby.kinsey@dhhs.nc.gov>
Subject: RE: Request to extend the period of review

Thank you very much, Lawrence, for letting me know the deadlines for the upcoming meetings for us to get the responses to the technical changes back to you. I will definitely keep you informed to our progress on these rules and which RRC meeting we wish to take these rules to.

I appreciate your assistance with this matter. Have a wonderful day!

Nadine Pfeiffer Rules Review Manager Division of Health Service Regulation

NC Department of Health and Human Services

Office: 919-855-3811 Fax: 919-733-2757 nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building 2701 Mail Service Center Raleigh, NC 27699-2701

state official.

Subject:

FW: Request to extend the period of review

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Tuesday, December 13, 2022 11:19 AM
To: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Cc: Lamphere, Megan <megan.lamphere@dhhs.nc.gov>; Jones, Shalisa R <shalisa.jones@dhhs.nc.gov>; Milliken, Emery
<emery.milliken@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kinsey, Libby
libby.kinsey@dhhs.nc.gov>
Subject: RE: Request to extend the period of review

Ms. Pfeiffer,

Thank you for sending this request. I'll recommend approval of the extension to the Commission. This will require that these rules come before the RRC either in January or, at the latest, in February. Please response to the requests for changes either by January 6, 2023, if you would like these rules to be on the January meeting agenda, or, at the latest, February 3, 2023.

Let me know if you have any questions.

Lawrence Duke

Counsel, NC Rules Review Commission Office of Administrative Hearings (984) 236-1938

From:	Pfeiffer, Nadine
Sent:	Monday, December 12, 2022 3:32 PM
То:	Duke, Lawrence
Cc:	Lamphere, Megan; Jones, Shalisa R; Milliken, Emery; Burgos, Alexander N; Kinsey, Libby
Subject:	Request to extend the period of review

Lawrence,

On behalf of the N.C. Medical Care Commission, this is a request to extend the period of review from the December 15, 2022 Rules Review Commission meeting pursuant to G.S. 150B-21.10 for the Licensing of Adult Care Home rule in 10A NCAC 13F and the Licensing of Family Care Home rule in 10A NCAC 13G. The reason for this request is to allow for more time to address the technical change requests issued by you on December 7, 2022. Please let me know if this extension is approved.

Thank you.

Nadine Pfeiffer Rules Review Manager Division of Health Service Regulation NC Department of Health and Human Services

Office: 919-855-3811 Fax: 919-733-2757 nadine.pfeiffer@dhhs.nc.gov

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From:	Pfeiffer, Nadine
Sent:	Wednesday, December 7, 2022 1:22 PM
То:	Duke, Lawrence
Cc:	Burgos, Alexander N
Subject:	RE: Medical Care Commission - 10A NCAC 13F&G - Rules Review Commission

Thank you. I will share this document with our Adult Care Licensure Section team responsible for writing these rules for their input in responding to your technical change requests and comments.

Nadine Pfeiffer Rules Review Manager Division of Health Service Regulation NC Department of Health and Human Services

Office: 919-855-3811 Fax: 919-733-2757 nadine.pfeiffer@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building 2701 Mail Service Center Raleigh, NC 27699-2701

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Wednesday, December 7, 2022 1:14 PM
To: Pfeiffer, Nadine <nadine.pfeiffer@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Medical Care Commission - 10A NCAC 13F&G - Rules Review Commission

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Medical Care Commission for the December 2022 Rules Review Commission meeting. The RRC will formally review these Rules at its meeting on Thursday, December 15, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

I have attached my requests for changes. Please submit these revised Rules and form to me via email, no later than 5:00 p.m. on Monday, December 12, 2022. In the meantime, please let me know if you have any questions or concerns.

Thank you, Lawrence Duke

Counsel to the North Carolina Rules Review Commission Office of Administrative Hearings <u>Lawrence.Duke@oah.nc.gov</u> (984) 236-1938

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