

1 10A NCAC 13G .0904 is proposed for readoption with substantive changes as follows:

2
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 which are hereby incorporated by reference,
8 including subsequent amendments, assuring storage, preparation, and serving food under sanitary
9 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 at a USDA-approved processing plant.
- 14 (4)(3) There shall be at least a three-day supply of perishable food and a five-day supply of non-perishable
15 food in the facility based on the ~~menus~~, menus established in Paragraph (c) of this Rule, for both
16 regular and therapeutic diets.

17 (b) Food Preparation and Service in Family Care Homes:

- 18 (1) Sufficient staff, ~~space~~ space, and equipment shall be provided for safe and sanitary food storage,
19 ~~preparation~~ preparation, and service.
- 20 (2) Table service shall include a napkin and non-disposable place setting consisting of at least a knife,
21 fork, spoon, ~~plate~~ plate, and beverage containers. ~~Exceptions may be made on an individual basis~~
22 ~~and shall be based on documented needs or preferences of the resident.~~
- 23 (3) Hot foods shall be served hot and cold foods shall be served cold.
- 24 (4) If residents require feeding assistance, food shall be maintained at serving temperature until
25 assistance is provided.

26 (c) Menus in Family Care Homes:

- 27 (1) Menus shall be prepared at least one week in advance with serving quantities specified and in
28 accordance with the ~~Daily Food Requirements~~ daily food requirements in Paragraph (d) of this Rule.
- 29 (2) Menus shall be maintained in the kitchen and identified as to the current menu day and cycle for
30 any given day for guidance of food service staff.
- 31 (3) Any substitutions made in the menu shall be of equal nutritional value, appropriate for therapeutic
32 ~~diets~~ diets, and documented and maintained in the kitchen to indicate the foods actually served to
33 residents.
- 34 (4) Menus shall be planned to take into account the food preferences ~~and customs~~ of the residents.
- 35 (5) Menus as served and invoices or other receipts of purchases shall be maintained in the facility for
36 30 days.

1 (6) Menus for all therapeutic diets shall be planned or reviewed by a ~~registered dietitian~~, licensed
 2 dietitian/nutritionist. The facility shall maintain verification of the ~~registered dietitian's~~ licensed
 3 dietitian/nutritionist's approval of the therapeutic diets ~~which shall include an original signature by~~
 4 ~~the registered dietitian and the registration number of the dietitian.~~ diets.

5 (7) The facility shall have a matching therapeutic diet menu for all physician-ordered therapeutic diets
 6 for guidance of food service staff.

7 (d) Food Requirements in Family Care Homes:

8 (1) Each resident shall be served a minimum of three nutritionally ~~adequate~~, adequate based on the
 9 requirements in Subparagraph (d)(3) of this Rule, palatable meals to the residents. Meals shall be
 10 served a day at regular ~~hours~~ times comparable to normal meal times in the community. There shall
 11 be with at least 10 hours between the breakfast and evening meals.

12 (2) Foods and beverages ~~that are appropriate to residents' diets~~ shall be offered in accordance with
 13 residents' prescribed diet or made available to all residents as snacks between each meal for a total
 14 of three snacks per day and shown on the menu as snacks.

15 (3) Daily menus for regular diets shall be based on the U.S. Department of Agriculture Dietary
 16 Guidelines for Americans 2020-2025, which are hereby incorporated by reference, including
 17 subsequent amendments and editions. These guidelines can be found at
 18 [https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-](https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf)
 19 [2025.pdf](https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf), at no cost and include the following:

20 (A) ~~Homogenized whole milk, low fat milk, skim milk or buttermilk;~~ Dairy and dairy
 21 alternatives: milk, yogurt, cheese, low-lactose or lactose-free dairy products, fortified soy
 22 beverages, and soy yogurt. One cup (8 ounces) of ~~pasteurized milk dairy or dairy~~
 23 alternatives at least ~~twice~~ three times a day. Milk served shall be pasteurized.
 24 Reconstituted dry milk or diluted evaporated milk may be used in cooking ~~only and not for~~
 25 ~~drinking purposes due to risk of bacterial contamination during mixing and the lower~~
 26 ~~nutritional value of the product if too much water is used.~~ only.

27 (B) Fruit: Two servings of fruit (~~one serving equals 6 ounces of juice; ½ cup of raw, canned~~
 28 ~~or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit).~~ fruit; examples of one
 29 serving are as follows: 6 ounces of juice; ½ cup of raw, canned or cooked fruit; 1 medium-
 30 size whole fruit; or ¼ cup dried fruit. One serving shall be a citrus fruit or a single strength
 31 juice in which there is 100% of the recommended dietary allowance of vitamin C in each
 32 six ounces of juice. The second fruit serving shall be of another variety of fresh, ~~dried~~
 33 dried, or canned fruit.

34 (C) Vegetables: Three servings of ~~vegetables (one serving equals ½ cup of cooked or canned~~
 35 ~~vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable).~~ vegetables; examples
 36 of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable

1 juice; or 1 cup of raw vegetable. One of these shall be a dark green, ~~leafy leafy,~~ or deep
2 yellow vegetables three times a week.

3 (D) Eggs: One whole egg or substitute (~~e.g., 2 egg whites or ¼ cup of pasteurized egg product~~)
4 such as 2 egg whites or ¼ cup of pasteurized egg product at least three times a week at
5 breakfast.

6 (E) Protein: Two to three ounces of ~~pure~~ cooked meat at least two times a day for a minimum
7 of 4 ounces. A substitute (~~e.g., (such as~~ 4 tablespoons of peanut butter, 1 cup of cooked
8 dried peas or beans or 2 ounces of pure cheese) may be served three times a week but not
9 more than once a day, unless requested by the resident.

10 Note: For the purposes of this Rule, Bacon is considered to be fat and ~~not meat for the~~
11 purposes of this Rule. ~~does not meet the protein requirement for meat.~~

12 (F) Cereals and Breads: At least six servings of whole grain or enriched cereal and bread or
13 grain products a day. Examples of one serving are as follows: 1 slice of bread; ½ of a
14 bagel, English muffin or hamburger bun; one 1 ½ -ounce muffin, 1- ounce roll, 2-ounce
15 biscuit or 2-ounce piece of cornbread; ½ cup cooked rice or cereal (~~e.g., (such as~~ oatmeal
16 or grits); ¾ cup ready-to-eat cereal; or one waffle, ~~pancake~~ pancake, or tortilla that is six
17 inches in diameter. Cereals and breads offered as snacks may be included in meeting this
18 requirement.

19 (G) Fats: Include butter, oil, ~~margarine~~ margarine, or items consisting primarily of one of ~~these~~
20 (~~e.g., icing or gravy~~) these, such as icing or gravy.

21 (H) Water and Other Beverages: Water shall be served to each resident at each meal, in
22 addition to other beverages.

23 (e) Therapeutic Diets in Family Care Homes:

24 (1) All therapeutic diet orders including thickened liquids shall be in writing from the resident's
25 physician. Where applicable, the therapeutic diet order shall be specific to calorie, ~~gram~~ gram, or
26 consistency, such as for ~~calorie-controlled~~ calorie-controlled ADA diets, low sodium ~~diets~~ diets, or
27 thickened liquids, unless there are written orders ~~which that~~ include the definition of any therapeutic
28 diet identified in the facility's therapeutic menu approved by a ~~registered dietitian.~~ licensed
29 dietitian/nutritionist. For the purpose of this Rule “therapeutic diet” is a diet ordered by a physician
30 or other delegated provider that is part of the treatment for a disease or clinical condition, to
31 eliminate, decrease, or increase certain substances in the diet (e.g., sodium or potassium), or to
32 provide mechanically altered food when indicated.

33 (2) Physician orders for nutritional supplements shall be in writing from the resident's physician and be
34 ~~brand-specific,~~ brand-specific, unless the facility has defined a house supplement in its
35 communication to the physician, and shall specify quantity and frequency.

36 (3) The facility shall maintain ~~an accurate and~~ a current listing of residents with physician-ordered
37 therapeutic diets for guidance of food service staff.

1 (4) All therapeutic diets, including nutritional supplements and thickened liquids, shall be served as
2 ordered by the resident's physician.

3 (f) Individual Feeding Assistance in Family Care Homes:

4 (1) ~~Sufficient~~ The facility shall provide staff ~~shall be available~~ for individual feeding assistance as
5 ~~needed.~~ in accordance with residents' needs.

6 (2) Residents needing help in eating shall be assisted upon receipt of the meal and the assistance shall
7 be unhurried and in a manner that maintains or enhances each resident's dignity and respect.

8 (g) Variations from the required three meals or time intervals between meals to meet individualized needs or
9 preferences of residents shall be documented in the resident's record.

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11 *History Note: Authority G.S. 131D-2.16; 143B-165;*

12 *Eff. January 1, 1977;*

13 *Amended Eff. October 1, 1977; April 22, 1977;*

14 *Readopted Eff. October 31, 1977;*

15 *Amended Eff. August 3, 1992; July 1, 1990; September 1, 1987; April 1, 1987;*

16 *Temporary Amendment Eff. July 1, 2003;*

17 *Amended Eff. June 1, ~~2004~~ 2004;*

18 *Readopted Eff. January 1, 2023.*