

1 10A NCAC 13G .0904 is readopted with changes as published in 36:24 NCR 1933-1937 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]~~ 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.nepublichealth.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-perishable
16 food in the facility based on the ~~menus,~~ menus established in Paragraph (c) of this Rule, for both
17 regular and therapeutic diets. For the purpose of this rule “perishable food” is food that is likely to
18 spoil or decay if not kept refrigerated at 40 degrees Fahrenheit or below, or frozen at zero degrees
19 Fahrenheit or below and “non-perishable food” is food that can be stored at room temperature and
20 is 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:

- 32 (1) Menus shall be prepared at least one week in advance with serving quantities specified and in
33 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, in order to maintain the daily
37 dietary requirements in Subparagraph (d)(3) of this Rule, appropriate for therapeutic ~~diets~~ diets, and

documented ~~[and] in records~~ maintained in the kitchen to indicate the foods actually served to residents.

- (4) Menus shall be planned to take into account the food preferences ~~and customs~~ of the residents. residents as documented on the Resident Register.
- (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.
- (6) Menus for all therapeutic diets shall be planned or reviewed by a ~~registered dietitian, licensed dietitian/nutritionist.~~ licensed 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.
- (7) 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~~ 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 between each meal for a total of three snacks per day and shown on the menu 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 can be found at https://dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf, at no [cost and] include the following: cost.
 - (A) ~~Homogenized whole milk, low fat milk, skim milk or buttermilk; [Dairy and dairy alternatives: milk, yogurt, cheese, low lactose or lactose free dairy products, fortified soy beverages, and soy yogurt.] One cup (8 ounces) of pasteurized milk [dairy or dairy alternatives] at least twice [three times] a day. [Milk served shall be pasteurized.] Reconstituted dry milk or diluted evaporated milk may be used in cooking only and not for drinking purposes due to risk of bacterial contamination during mixing and the lower nutritional value of the product if too much water is used. [only.]~~
 - (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 serving are as follows: 6 ounces of juice; ½ of raw, canned or cooked fruit; 1 medium size whole fruit; or ¼ cup dried fruit.] One serving shall be a citrus fruit or a single strength 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, dried~~
2 ~~[dried,] or canned fruit.~~

3 (C) ~~Vegetables: Three servings of vegetables (one serving equals ½ cup of cooked or canned~~
4 ~~vegetable; 6 ounces of vegetable juice; or 1 cup of raw vegetable). [vegetables; examples~~
5 ~~of one serving are as follows: ½ cup of cooked or canned vegetable; 6 ounces of vegetable~~
6 ~~juice; or 1 cup of raw vegetable.] One of these shall be a dark green, leafy [leafy,] or deep~~
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 product)~~
9 ~~[such as 2 egg whites or ¼ cup of pasteurized egg product] at least three times a week at~~
10 ~~breakfast.~~

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

15 ~~Note: [For the purposes of this Rule,] Bacon is considered to be fat and not meat 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 bread or~~
18 ~~grain products a day. Examples of one serving are as follows: 1 slice of bread; ½ of a~~
19 ~~bagel, English muffin or hamburger bun; one 1 ½ ounce muffin, 1 ounce roll, 2 ounce~~
20 ~~biscuit or 2 ounce piece of cornbread; ½ cup cooked rice or cereal (e.g., [(such as] oatmeal~~
21 ~~or grits); ¾ cup ready to eat cereal; or one waffle, pancake [pancake,] or tortilla that is six~~
22 ~~inches in diameter. Cereals and breads offered as snacks may be included in meeting this~~
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 meal, in~~
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 resident's
31 physician. Where applicable, the therapeutic diet order shall be specific to caloric, ~~gram~~ gram, or
32 consistency, such as for ~~calorie controlled~~ calorie-controlled ADA diets, low sodium ~~diets~~ diets, or
33 thickened liquids, unless there are written orders ~~which that~~ include the definition of any therapeutic
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
36 or other delegated provider physician, physician assistant, nurse practitioner, or a licensed
37 dietician/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. 131D-2.1(4); 131D-2.16; 131D-4.4; 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.~~ 2004.*

26 *Readopted Eff. March 1, 2023.*