



COMMISSIONER
Chris Traylor

December 5, 2011

To: Providers of Title XIX and Title XX Home Delivered Meals
Area Agencies on Aging

Subject: Information Letter No. 11-96
Changes to Home Delivered Meals Contract Compliance and Fiscal Monitoring Tool

This information letter is to inform you of three changes the Department of Aging and Disability Services (DADS) has made to the Home Delivered Meals (HDM) Contract Compliance and Fiscal Monitoring Tool. DADS modified the method of review for the following components of the tool:

- meal delivery within the required timeframes;
- subcontractor compliance with meal preparation or meal delivery requirements; and
- billing for meals.

In addition, this information letter clarifies the requirements regarding failed meal deliveries.

Meal Delivery within the Required Timeframes

An HDM provider or subcontractor performing meal delivery must monitor each meal delivery route annually to verify meals are delivered within the required timeframes. Documentation of monitoring must include the route name/number, the date of the monitoring, and the times of the first and last meal deliveries. The applicable rule references are [40 TAC §55.27](#), [40 TAC §85.302](#), and [40 TAC §49.31](#).

Providers and subcontractors must complete and document monitoring of all meal delivery routes by February 29, 2012. During contract monitoring, contract staff will request a list of all of the provider/subcontractor meal delivery routes and select a sample for review. Contract monitorings that begin on May 1, 2012, and later will review route monitoring documentation for compliance with these requirements.

Subcontractor Compliance with Meal Preparation or Meal Delivery Requirements

As required by [40 Texas Administrative Code \(TAC\) §69.55](#), a DADS contracted provider entering into subcontracts must require subcontractors to accept and abide by each of the applicable provisions in the prime contract. The provider must therefore hold subcontractors to compliance with DADS [Form 3254](#), Community Services Contract (Provider Agreement), which includes agreement to comply with applicable rules and program requirements.

An HDM provider that subcontracts for meal preparation or meal delivery is required to ensure that the subcontractors are in compliance with program requirements. At the time of a DADS review of contractor compliance, the HDM provider must provide evidence of subcontractor compliance with program requirements.

The HDM provider is required to maintain evidence of compliance regardless of whether the provider performs the function directly or through a subcontract. The following evidence of compliance with meal preparation is required:

- For each meal preparation site, the schedule of menus and list of allowable substitutions for the last month of the review period, including evidence the menus and allowable substitutions were:
 - from an approved Dietary Reference Intake compliant area agency on aging book of recipes; or
 - approved by a dietitian consultant (including the signature of the approving dietitian, date the menus were approved and the date of the dietitian's registration, license or degree) (See [40 TAC §55.3\(6\)](#), [40 TAC §55.15](#) and [40 TAC §85.302](#)).
- Recipes for the meals prepared at each meal preparation site for the last meal preparation date of the review period, including portion size information and amount of ingredients needed to yield a varied number of servings that maintain the nutritional integrity (See [40 TAC §55.17](#) and [40 TAC §85.302](#)).
- In-house monitoring (on at least an annual basis) of each meal preparation site's holding times, safe temperatures and quality of meals, conducted within the review period (See [40 TAC §55.31](#) and [40 TAC §85.302](#)).

The following evidence of compliance with meal delivery is required:

- Approval/waiver if hot meal service delivery is offered less than five days per week and/or hours other than 10:30 am – 1:30 pm (See [40 TAC §55.5](#), [40 TAC §55.27](#), and [40 TAC §85.302](#)).
- An example of a meal transport carrier if the provider performs meal delivery. If meal delivery is subcontracted, the HDM provider must provide a written statement that describes the meal transport carrier used by the subcontractor, including how the carrier protects food containers during transport and how the carrier allows hot foods to be transported separately from cold foods. If different meal transport carriers are used at different sites, an example carrier or a statement for each site is needed (See [40 TAC §55.23](#) and [40 TAC §85.302](#)).
- An example of a meal package container. If different meal package containers are used at different sites, an example from each site is needed (See [40 TAC §55.23](#) and [40 TAC §85.302](#)).
- For each meal delivery site, a record of the hot and cold foods served on the last meal delivery day of the last month of the review period, including the date and time each hot or cold food item was removed from temperature control and the temperature of the item when removed from temperature control (See [40 TAC §55.27](#) and [40 TAC §85.302](#)).
- Documentation that each meal delivery route was monitored within the preceding twelve months, including the date of the monitoring, and the time of first and last meal deliveries for that route on that date (See [40 TAC §55.27](#), [40 TAC §85.302](#), and [40 TAC §49.31](#)).
- For each meal delivery route monitoring record, a copy of the meal preparation site's log of food temperatures at time of removal from temperature control for the corresponding date (See [40 TAC §55.27](#) and [40 TAC §85.302](#)).

Billing for Meals

A unit of service in the HDM program is defined as one meal per client per contracted day. An HDM provider may have a waiver approval to deliver meals fewer than five days per week and leave multiple meals to be consumed on more than one service day (See [Form 2027 and Instructions](#) and [40 TAC §85.302](#)). DADS modified the units of service tables in the Individual Work Paper of the HDM Contract Compliance and Fiscal Monitoring Tool to allow for this situation and ensure accurate review of billing. An HDM provider can bill for a maximum of two attempted and failed meal deliveries per individual per month, whether the failed attempts are consecutive or not.

When meals for more than one day of service are delivered and the individual becomes ineligible for the Home-Delivered Meals program, meals delivered to be consumed past the date of the individual's ineligibility are considered invalid and are not reimbursable (see [Form 2027 and Instructions](#)). DADS added calculation of invalid meals to the units of service tables referenced in the previous paragraph.

If you have questions about the changes to contract compliance in this letter, please contact your regional contract manager.

Sincerely,

[signature on file]

Teresa Richard
Director
Center for Policy and Innovation

Sincerely,

[signature on file]

Kathie Carleton-Morales
Director
Contract Oversight and Support