

END OF PUBLIC HEALTH EMERGENCY EXPIRATION CONSIDERATIONS FOR TITLE III C SENIOR NUTRITION PROGRAMS

March 23, 2023

The Public Health Emergency (PHE) for COVID-19 expires May 11, 2023. With the ending of the PHE, the **two** flexibilities related to the PHE also end:

- Dietary Guidelines for Americans (DGAs) and Dietary Reference Intakes (DRIs) nutrition requirements waived; and
- Transfer of 100% of funds between Title III-C1 (congregate nutrition) and Title III-C2 (home delivered nutrition).

Therefore, no later than May 11, 2023, all Title III-C meals must meet DRIs and DGAs and funds transfers between Title III C-1 and Title III C-2 will return to standard OAA limits.



What is expected?

The OAA says the following about nutrition guidelines and funding transfers:

- Nutrition Guidelines: An OAA-funded eligible congregate or home delivered meal must meet 1/3 of the DRIs and comply with the DGAs.
- Transfer Authority: State Units on Aging (SUAs) may transfer up to 40% of OAA Title III C funds between Title III-C1 and Title III-C2. SUAs may request a waiver from the Assistant Secretary for Aging to transfer an additional 10% of funds between Title III-C1 and Title III-C2.

It is recommended that State Units on Aging (SUAs) start planning for the return to pre-PHE flexibilities now and communicate to Area Agencies on Aging and local service providers. If meals do not meet the DGA/DRI requirements by May 11, 2023, they:

- May not be counted towards NSIP reporting (see Other Considerations below);
- Would be reported in the SPR “consumable supplies;” and/or
- Would need to use funding other than Title III C-1 or Title III C-2.





Other Considerations

SUAs should keep in mind:

- If your state has a Major Disaster Declaration (MDD) under the Stafford Act in effect, “bucketing” of OAA funds can be continued during a limited unwinding period. ACL strongly encourages SUAs to unwind all MDD flexibilities by September 30, 2023. Please refer to [COVID-19 Response \(acl.gov\)](https://www.acl.gov).
- Meals reported under the Nutrition Supplemental Incentive Program (NSIP) are required to meet the DGAs/DRIs. FFY2023 NSIP meal counts will be used by ACL to establish FFY2024 NSIP funding allotments.
- New service delivery (eg, Grab and Go, etc), assessment (eg, virtual assessment) and eligibility models are determined by your SUA and/or AAA, and are not necessarily impacted by the ending of the PHE and MDD. See Inherent OAA Flexibility section below.

For meals that do not currently meet the DGA/DRI requirements, senior nutrition programs can consider the following ways to help meet the requirements:

- Find a Registered Dietitian to help you. Use the Academy of Nutrition and Dietetics’ [Find a Nutrition Expert](#) tool to get started.
- Identify substitutions allowed within your state nutrition policies, and consult with a Registered Dietitian as needed, if food supplies vary.
- Try adding a missing meal component to meet the DGA/DRIs. For example, a glass of milk to reach calcium and protein requirements, switching to a lower sodium product to reduce sodium content, or switching from white bread to wheat bread to meet fiber requirements. This [Menu Creation Toolkit](#) provides more examples.
- Request donations of food items from local grocery stores, convenience stores, or pantries to help meet the missing meal component.



Inherent OAA Flexibility and Program Resources

As a reminder, SUAs, AAAs, and local service providers have always had considerable flexibility around how they meet the intent and requirements of the OAA Title III C. SUAs are responsible for developing policies, procedures, guidance, and technical assistance to carry out nutrition services. SUAs may delegate some of this responsibility to AAAs or local service providers who may have additional policies and procedures.

ACL and the Nutrition and Aging Resource Center encourages the aging network to employ creative and adaptive approaches to meet the nutrition, socialization, and wellness needs of seniors when establishing specific policies and procedures. Example resources that highlight flexibilities include:

- Eligibility requirements¹ (e.g., whether a Title III-C2 recipient must be homebound, [prioritization requirements](#), assessment procedures);
- [Menu policies](#) (e.g., state nutrition standards, menu approval process);
- [Programmatic policies and procedures](#) (e.g., [restaurant programs](#), [grab-and-go meals](#), [groceries](#)); and
- [Target populations](#)² (e.g., data reporting to show effective targeting, added groups to achieve equity).

1 Individual served must be 60+ or the spouse of an older adult. A meal may be supplied to people who volunteer during meal hours and people with disabilities who either live with an eligible older adult or live in a senior housing facility that offers congregate services.

2 OAA programs should target older adults with greatest economic need and older adults with greatest social need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, older individuals residing in rural areas, and older individuals at risk for institutional placement).

The Nutrition and Aging Resource Center [website](#) has many resources that are helpful for OAA Title III-C program planning and innovation.

Nutrition Guidelines:

- [Nutrition Requirements of the Older Americans Act](#) – Quick guide of the basics for Title III C
- [DGA Policy and Practice Implications for Senior Nutrition Programs](#) – Guide to help senior nutrition programs develop policies that meet the OAA requirements to align with the 2020-2025 DGAs
- [Menu Creation Toolkit](#) – Examples and resources to create menus
- [DGA and DRI Overview \(YouTube\)](#) – Recording of presentation about what they are, flexibility, how states and AAAs use them
 - ◊ [PowerPoint](#)
- [State Unit on Aging and Provider Best Practices \(YouTube\)](#) – Recording of presentation of state experiences with DGA, DRI
 - ◊ [Takeaway Sheet](#)

Inherent OAA Flexibilities and Title III-C reporting:

- [Title III-C1 and -C2 Service Delivery Decision Tree](#) Tool – classifies various service delivery methods including grab and go and food truck meals
- [Understanding Title III-C Flexibilities](#) – FAQ on flexibilities around DGA, DRIs, grab-and-go, groceries, and more

NSIP meals:

- [NSIP Guidance: FY2022 Title III Program, Reporting, and Fiscal Updates](#) – clarifies that FFY2023 NSIP meals must be reported and will count towards FFY2024 funding allocations.
- [Nutrition Services Incentive Program \(NSIP\)](#) – Definition of foods that can be purchased with NSIP allocations and resources to help ensure OAA alignment.



Advice for moving forward

The Nutrition and Aging Resource Center [website](#) is an excellent place to find the latest information about innovative service planning. Resources are regularly updated, so we encourage you to check the website frequently, subscribe to our [newsletter](#) and follow us on social media.

State Units on Aging are encouraged to seek your own legal counsel in regard to contract and sub-grant questions and concerns, work closely across programmatic and fiscal offices to balance service delivery needs and fund transfer decisions, and reach out to your Administration for Community Living (ACL) [Regional Administrator \(RA\)](#) if you need further advice or clarification about federal requirements.

