

## **Fact Sheet - Access to Food**

**Authority:** [42 CFR 441.301\(c\)\(4\)\(vi\)\(C\)](#), [42 CFR 441.710\(a\)\(1\)\(vi\)\(C\)](#), & [42 CFR 441.530\(a\)\(1\)\(vi\)\(C\)](#)

### **In a provider-owned, controlled, or operated residential setting:**

There are new Federal Medicaid rules. These rules are about Home and Community-Based Services (HCBS) and settings. Under the new rules, you have the freedom and support to have access to food at any time.

### **In Oregon This Means:**

If you live in a provider-owned, controlled, or operated residential setting you may have access to food at any time. You are not limited to specific meal times. Access to food includes when and where you would like to eat and choices of foods you want to eat.

Providers are expected to support you with your access to foods. Your assessed support needs, preferences, and goals will guide the support you receive.

### Examples of support to you may include:

- Assisting with budgeting and shopping so you may have personal foods.
- Assisting you to safely store personal foods, such as snack items.
- Providing alternative food choices when the main meal option is not preferred, or when you do not eat at a standard meal time (such as reheatable meals, or meals to go like bag lunches).
- Assisting you with healthy eating choices without controlling or discounting your preferences.

In most settings, you pay room and board. This includes payment for three nutritious meals and two snacks per day. Providers must make efforts to provide meals that are in line with community standards for home-based meals and consider the culture and preferences of the individuals living in the setting.

Providers do not have to provide food items that are very costly or difficult to prepare.

Providers do not have to provide a limitless supply of snack foods or other items around the clock. The new rules do not mean you have access to full dining services or meal preparation at all times.

However, providers do have to help you identify which items you want available in shared kitchens or designated storage spaces so you may access food at any time.

There may be times that your assessed needs provide reasons to consider limits regarding your access to food. Limits will not be used without your (or your legal representative's) informed consent. Limits will only be used when there is a health or safety risk.

The federal rules allow for a transition period for states to fully comply with the new rules. For additional fact sheets or more information regarding the Oregon HCBS Transition Plan, please visit the below link.

<http://www.oregon.gov/dhs/seniors-disabilities/HCBS/Pages/Transition-Plan.aspx>