

## **PAYMENT FOR MEALS AND SNACKS FOR CONSUMERS**

Title 22 requires that residential facilities provide three (3) nutritious meals daily. Between-meal snacks shall be made available for all consumers unless limited by dietary instruction prescribed by a physician.

It is the opinion of Far Northern Regional Center (FNRC), based on information from the Department of Social Services/Community Care Licensing, that when residents are away from the facility, the residential provider is responsible for providing a nutritious “brown bag” lunch or money to purchase a meal if they are attending activities that are considered basic services or identified as a service in the Individual Program Plan or on the Admission Agreement. The amount of money to be provided is the average cost of facility meals and must be enough money to purchase a nutritious meal. The FNRC Nutrition Consultant has estimated that \$2.50 per meal is the minimum rate for an estimated average cost of a facility meal. In addition, consumers must be provided with guidance and supervision to prevent them from missing meals and to be sure that they have sufficient cash resources to purchase a meal and still meet their prospective personal and incidental needs.

Typical questions asked are answered below:

1. John was late coming home. I had saved his dinner, but he had already eaten and paid with his own money. Who should pay for his dinner – the residential provider or the consumer?

ANSWER: In this case, John independently decided to purchase dinner when dinner was available to him at the facility. John should pay for his own dinner, but you should remind him that you always prepare dinner for him. Perhaps he should call and let you know if he will be late so that you can agree on dinner arrangements.

2. We went to the doctor and, as usual, we were very late leaving his office because we had to wait. John kept telling me how hungry he was, so we stopped at McJones for lunch. Who should pay for his lunch – the residential provider or the consumer?

ANSWER: In this case, the residential provider should pay for the lunch. The residential provider is responsible for paying for three meals a day and between-meal snacks as appropriate.

3. We were shopping in the mall and ate lunch while we were there, rather than go home. Who should pay – the residential provider or the consumer?

ANSWER: In this case, the residential provider should pay for lunch. The activity schedule is set and monitored by the residential provider and should accommodate lunch and between-meal snacks as necessary. The residential provider may have packed a “brown bag” lunch.

4. John eats lunch in the community as part of his day program. Who should pay for his lunch – the residential provider, the day program provider, or the consumer?

ANSWER: In this case, the Interdisciplinary Team (ID Team) should participate in making the decision about who will pay for lunch. The residential provider is responsible for providing three (3) meals per day and should contribute toward the lunch. If the lunch is

part of the activity schedule for the day program, the day program should contribute toward the lunch. If the consumer elects to independently go to lunch with friends, then the consumer can pay for the entire lunch.

5. The whole house goes out for pizza at Mountain Mike's every Wednesday for the special deal of \$5.00 per person. Who should pay for dinner – the residential provider or the consumer?

ANSWER: In this case, the residential provider should pay for dinner. This is a consistent activity that is evidently part of the facility schedule of activities. A consumer cannot really choose to stay home during this activity.

6. I provide fruit and other nutritious snacks. Sometimes all the residents want potato chips and sodas, so I give them money and let them go across the street to the store. Who should pay for the snacks – the residential provider or the consumer?

ANSWER: The consumers should pay for their snacks. It is the responsibility of the residential provider to make available nutritious between-meal snacks. A resident may independently choose to have a different snack and purchase it. Consumers may be consulted about their preferences regarding between-meal snacks, and choices may be offered at snack time.

7. We all go out for dinner for each resident's birthday as part of our program. Who pays for dinner – the residential provider or the consumer?

ANSWER: The residential provider will subsidize the meal by paying the estimated average cost of a facility meal, and the consumer will pay the remainder of the bill. It is generally assumed that such special occasions or events occur no more often than monthly. Under no circumstances are consumers to pay the costs of any staff person's meal.

8. John is taking Jane out for a date on Saturday night. Both of them live in our residential facility. Who pays for dinner – the residential provider or the consumer?

ANSWER: John and Jane are responsible for the cost of the meal and need to work out the payment between themselves. Generally, the rule is that a consumer should not pay for other consumer/resident meals, but this may be an exception to that rule. The responsibility of the residential provider is to determine that John and Jane have sufficient funds to cover the cost of the meal according to the method they elect for funding the meal, and to ensure that they are not ignoring other financial obligations they may have or incur during the month.

9. I had to take John to U.C. Davis for a medical appointment. Who pays for his breakfast, lunch and dinner – the residential provider or the consumer?

ANSWER: The residential provider must provide three meals per day, either a brown bag meal or sufficient money to purchase a nutritious meal. The fact that the consumer may wish to eat at the Red Lobster does not excuse the residential provider from contributing toward the cost of the meal.

10. One of the consumers who lives in our home really likes my husband and me and wants to take us to dinner for my birthday. Is this okay?

ANSWER: Generally, this is not permissible. Under very special circumstances, after discussion with the ID Team and documentation in the consumer's file, a consumer may use his or her money to purchase a meal for a staff person.

11. All of our residents went to the Shasta County Fair for "Developmental Disabilities Day" for the whole day. Who pays for lunch – the residential provider or the consumer?

ANSWER: The residential provider must either provide a brown bag lunch (which may not be safe if it is hot and there is no appropriate storage) or adequate money to purchase a nutritious lunch and between-meal snacks. Some consumers may wish to purchase additional snacks during the day with their own money.

12. I plan to take John with us to Oregon to visit my mother for one week. Who pays the costs of the trip – the residential provider or the consumer?

ANSWER: If you are planning the trip to see your mother, we presume you are the one originating the trip. The consumer has a choice whether to go with you or not. Should the consumer elect not to go on the trip, you must provide care and supervision for the consumer in your residential facility. If the consumer elects to accompany you on the trip, you are expected to pay a reasonable amount of the consumer's expenses, up to \$20.58 per day for food and lodging. The consumer may pay for the remainder of the costs based on itemized receipts. Under no circumstances will the consumer pay the costs of any staff person. The consumer may pay for additional recreational costs.

13. The day program takes John out to lunch after I have sent a "brown bag" lunch with him, and then charges me for the meal. Who pays for the meal – the residential provider, the day program, or John?

ANSWER: The residential provider is not responsible for paying for either part or the whole lunch. The day program is responsible for paying for the meal if it is part of their program. John is responsible for paying for his meal when it is not part of the day program's activity schedule.