



JEB BUSH, GOVERNOR

RHONDA M. MEDOWS, MD, FFAFP, SECRETARY

MEMORANDUM

DATE: March 7, 2003

FROM: Polly Weaver, Chief, Field Operations
Managed Care and Health Quality

TO: Field Office Managers
Molly McKinstry, Chief,
Bureau of Long Term Care Services
Susan Acker, Nursing Services Director
Health Standards and Quality Unit
Skip Gregory, NCARB, Bureau Chief,
Office of Plans and Construction
Ann Sarantos, Manager
Survey Integrity and Support Branch
Tracey Cottle, Chief Facilities Counsel

RE: Nursing home emergency water issues and one week non-perishable food supply determination

Recently, there have been questions from providers and surveyors regarding determinations of adequate supplies of stored emergency water and one week non-perishable food. The following guidance will address these issues.

Emergency Water Supply

It is beyond the health facility surveyor's scope of regulatory authority to determine whether a nursing home has adequate stored emergency water supply. The state requirements for emergency water are in the Florida Building Code Section 420.1.16. Consultation with Skip Gregory, Bureau Chief of Plans and Construction, revealed adequacy of onsite storage of emergency water depends on whether the nursing home is an existing facility or new construction, and provides emergency shelter. The local emergency management authority must approve the provisions for the emergency water supply set forth in the facility's emergency preparedness plan. Surveyors may review the nursing home's emergency preparedness plan as appropriate. Health facility surveyors should determine the emergency drinking water supply is potable and protected from contamination. If there is any question whether the stored drinking water is safe to drink, then survey team should contact staff of the County Public Health Unit. Surveyors should examine the emergency drinking water supply to determine compliance



with the Code of Federal Regulation 483.35(h)(2) - Food must be stored under sanitary conditions (F371):

- The dates on the containers of drinking water are not expired.
- The containers of drinking water are stored at least six inches above the floor and not stored in the following areas:
 - Locker rooms;
 - Toilet rooms;
 - Dressing rooms;
 - Garbage rooms;
 - Soiled utility rooms;
 - Mechanical rooms;
 - Under sewer lines that are not shielded to intercept potential drips;
 - Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
 - Under open stairwells; or
 - Under other sources of contamination.
- The drinking water supply is protected from environmental contaminants such as splash, dust, soil, sewage, pests, and other contamination.

The federal regulation, F466 states the facility establish procedures to ensure water is available to essential areas when there is a loss of normal water supply. These procedures should be incorporated into the facility's emergency preparedness plan. The same guidelines apply to determine the quantity and quality of the water supply.

One Week Supply of Non-perishable Food

The requirement for the one week supply of non-perishable food falls under 59A-4.110(4) Dietary Services, which states "*a one-week supply of a variety of non-perishable food and supplies, that represents a good diet, shall be maintained by the facility*". This requirement does not state the non-perishable food supply is for an emergency, although for more than a decade it has been referred to as such. If the nursing home serves as an emergency shelter, staff should have provisions for food, which is incorporated into the emergency preparedness plan approved by the local emergency management authority.

Surveyors must be cautious not require things beyond the regulatory language for the one week non-perishable food supply. During a standard survey, in a *state licensed* nursing home, the surveyor should review the facility's one-week non-perishable foods and supplies. (This regulation does not apply to *federally certified facilities*.) Ideally, this task is delegated to the surveyor designated to conduct the Kitchen/Foodservice Observation. The following general guidelines are for determining the adequacy of the food supply:

- All non-perishable food can be included. Food stored in the refrigerators and freezers do not count, unless the food can be stored at room temperature without spoiling or making the food unsafe to eat.

- Review all dry food storage areas. The one-week supply of non-perishable food does not have to be stored separately. Most nursing homes separate and secure their non-perishable food supply for inventory control.
- Foods that require water for reconstitution can be included, as the regulation does not prohibit this. Ideally if the intent of this non-perishable food supply is to use it for emergencies, the facility should include foods that can be served without further preparation after opening the package. Surveyors have no enforcement authority, as it is not stated in the regulation.
- Use the current resident census minus the number of residents receiving total enteral and/or parenteral feeding. The facility should have a one-week supply of enteral products available for these residents.
- Ask the facility staff the method used to determine there is sufficient inventory. If there is a planned disaster/emergency menu, the surveyor can compare the present inventory to the menu. ***It is not required by 59A-4, that nursing homes have a disaster/emergency menu. The local emergency preparedness authority may require this. Surveyors have no authority to require a nursing home to have a disaster/emergency menu.*** Some facilities have a simple inventory list of one-week supply. The surveyor can use this to determine compliance.
- If the nursing home staff has no established system for the one-week food inventory, surveyors are to use the regular menus including portion size as a guide. Determine there is a representation from the four food groups (meat/protein; milk; fruit and vegetable; breads and starches) at a minimum for variety.
- Beef stew, chipped beef, corned beef hash, chili, chicken and dumplings, peanut butter and tuna fish are examples of foods that can be included in the supply for meat and protein. Keep in mind meat combination products such as beef stew are not entirely protein. If beans and peas are counted as protein, they cannot also be counted as a starch.
- Hot cocoa mixes, hot chocolate mixes, canned puddings (except lemon pudding, usually made with cornstarch and eggs - no milk), cheese sauce, evaporated milk, shelf stable milk (i.e. Parmalat or Hershey's), sweetened condensed milk and non-fat dry milk powder can be included in the non-perishable supply for milk products.
- Preferably on the first day of the survey, the surveyor should look at the food supply, and may count cans and packages of food. A large #10 can usually provides 25 servings per can.
- *Surveyors should be cautioned not to apply the Assisted Living Facilities requirement for determining the non-perishable supply for nursing homes. The Assisted Living Facility rule is more specific.*
- If the surveyors find a deficit in any food group, the facility is out of compliance. The surveyor team must be able to defend the evidence of deficient practice since the language in the regulation is non-specific. The definition of a "good diet" is vague.
- In reference to "supplies", the surveyor should determine there are disposable, single service or single use articles available. These disposable supplies must be stored to protect from contamination, similar to the guidelines for water storage. The surveyor should make observations of this.

- Some facility representatives have inquired whether they could use commercially processed, nutritionally complete and balanced oral liquid products exclusively as their non-perishable food supply. Although these products are nutritionally complete and balanced, the regulation states “*a variety of non-perishable foods . . . shall be maintained*”. This part of the regulation implies the food supplies must contain different foods, not just one type, i.e. all green beans for the vegetable group.

Every situation is unique, so remember to apply common sense and reasonableness.

If you have any questions, please contact Ms. Mary Maloney at 727-518-3282 or SC 517-2504.