

## Meal Substitutions

Federal regulations **require** Sponsors and Providers to make substitutions to the standard meal requirements for participants who are determined to be disabled and whose disability restricts their diet. A Sponsor or Provider may, **at their discretion**, make substitutions for individual participants who are not persons with disabilities but are unable to consume a food item because of medical or other special dietary needs.

1. If a licensed physician (Medical Doctor [MD] or Doctor of Osteopathy [DO], only) assesses that a special dietary need such as a food allergy or a medical condition may result in severe, life-threatening reactions (anaphylactic reactions) or to substantially limit a major life activity or a major bodily function, the participant may then meet the definition of a person with disabilities, and the Sponsor or Provider must make the substitutions prescribed by the licensed physician (MD and DO). Determinations of whether a participant has a disability that restricts his or her diet are to be made on an individual basis by a licensed physician (MD and DO) only. A participant whose disability restricts his or her diet shall be provided substitutions in foods only when supported by a *Medical Statement--Participants with Disabilities* form signed by a licensed physician (MD or DO). The licensed physician's medical statement of the participant's disability must be based on the regulatory criteria for a person with disabilities and contain a finding that the disability restricts the participant's diet. The families of identified children should be given the *Medical Statement--Participants with Disabilities* at enrollment. The completed form should be forwarded to the UMCHS Nutrition Director or Health Director before the child attends class. The Nutrition and Health Directors will ensure that an appropriate classroom plan for the child is in place before the child begins class. Copies of the completed *Medical Statement--Participants with Disabilities* form will be forwarded to the classroom teacher for placement in the child's file and the protocol folder. A copy of the completed form will be provided to the center cook/food service provider as well.
2. Sponsors and Providers are **not** required to make substitutions for participants whose conditions do not meet the definition of a person with disabilities. When a participant without disabilities requests substitutions that result in a change to the meal pattern and cannot be managed within the normal program meal service, the meals may only be claimed with a completed *Medical Statement--Participants without Disabilities* form that is signed by a recognized medical authority. In Oregon, recognized medical authorities include: Medical Doctors (MD), Doctor of Osteopathy (DO), Physician's Assistants (PA), Registered Dietitians (RD), Nurse Practitioners (NP), Registered Nurses (RN), Naturopathic Physician (ND), and Naturopathic Doctor of Osteopathy (NDO). The UMCHS Staff person who is completing enrollment on a child must notify the UMCHS Nutrition or Health Director immediately about the need for substitutions to the regular

menu including specific information on exactly what foods must be substituted and the condition that makes the substitution necessary. As a Registered Dietitian, the Nutrition Director may then complete and sign the *Medical Statement--Participants without Disabilities* form. The Nutrition and Health Directors will ensure that an appropriate classroom plan for the child is in place before the child begins class. Copies of the completed *Medical Statement--Participants without Disabilities* form will be forwarded to the classroom teacher for placement in the child's file and the protocol folder. A copy of the completed form will be provided to the center cook/food service provider as well.

3. In the case of participants who cannot consume fluid milk due to medical or other special dietary needs, *but do not have a disability*, non-dairy beverages may be served in lieu of fluid milk. Non-dairy beverages **must be nutritionally equivalent to milk** and meet the nutritional standards for fortification of calcium, protein, vitamin A, vitamin D, and other nutrients to levels found in cow's milk, as outlined in the National School Lunch Program (NSLP) regulations at 7CFR 210.10(m)(3) and USDA Policy Memos: SP 02-2009, SP 07-2010, CACFP 04-2010, and SFSP 05-2010. The UMCHS Staff person who is completing enrollment must notify the UMCHS Nutrition or Health Director immediately regarding participants who request a substitution for the fluid milk requirement at meals and snacks including specific information on exactly what condition that makes the substitution necessary. As a Registered Dietitian, the Nutrition Director may then complete and sign the *Medical Statement--Participants without Disabilities* form. Only non-dairy beverages that are nutritionally equivalent to milk will be offered as fluid cow's milk substitutes for participants without disabilities. The Nutrition or Health Director will ensure that an appropriate classroom plan for the child is in place before the child begins class. Copies of the completed *Medical Statement--Participants without Disabilities* form will be forwarded to the classroom teacher for placement in the child's file and the protocol folder. A copy of the completed form will be provided to the center cook/food service provider as well.

Meals containing non-dairy beverages that are not nutritionally equivalent to milk *may* be reimbursable **only for participants with disabilities** who have a *Medical Statement--Participants with Disabilities* form on file signed by a licensed physician (MD or DO).

4. Substitutions to the regularly planned menu must be documented. The documentation may be made on the working menu, the production records or on a separate document depending on the number and complexity of substitutions made. The menu documentation should include:
  - a. The date
  - b. The meal or snack served
  - c. The participant's name
  - d. The food item(s) substituted

The cook at each site is responsible for documenting substitutions to the regularly planned menu. At vended sites, the teacher is responsible for ensuring that the documentation is included on the daily vendor receipts.