

## State Regulations Pertaining to Dining Experience

Note: This document is arranged alphabetically by State. To move easily from State to State, click the "Bookmark" tab on the Acrobat navigation column to the left of the PDF document. This will open a Table of Contents for the document. The relevant federal regulations are at the end of the PDF.

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### ALABAMA

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420-5-10-.12 Dietary Services.

Dining Experience

...(4) Food. Each resident receives and the facility provides:

- (a) Food prepared by methods that conserve nutritive value, flavor and appearance;
- (b) Food that is palatable, attractive, and at the proper temperature;
- (c) Food prepared in a form designed to meet individual needs; and
- (d) Substitutes offered of similar nutritive value to residents who refuse food served.

Author: Rick Harris

Statutory Authority: Code of Alabama, 1975, 22-21-20, et seq.

History: Original rules filed: July 19, 1996; effective August 23, 1996 Amended: April 20, 2005, effective May 25, 2005.

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### ALASKA

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Alaska regulations do not contain specific content for Dining Experience.

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### ARIZONA

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R9-10-912. Food Services

...B. A registered dietitian or director of food services shall ensure that:

...8. A resident eats meals in a dining area unless the resident chooses to eat in the resident's room or is confined to the resident's room for medical reasons documented in the medical records. Historical Note: Adopted effective October 20, 1982 (Supp. 82-5). Section repealed, new Section adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1).

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## ARKANSAS

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### 565 MEAL SERVICE

...565.2 Table service shall be provided for all who can and will eat at the table, including wheelchair patients.

565.3 An over-bed table shall be provided for bed patients. Patients who are served meals in their rooms shall be provided with an over-bed table or an over-patient table of sturdy construction.

565.4 The public, personnel, or patients shall not be permitted to eat or drink in the kitchen, dishwashing area, or store room.

565.5 Only dietetic services and administrative personnel shall be allowed in the kitchen.

565.6 Only dietetic services personnel shall be allowed to portion out food for patients or personnel.

...565.7 Trays shall not be set up until the meal is ready to be served. Food shall not be at the patient's place in the dining room until the patient is at the table.

565.9 All food transported to patient rooms or to dining rooms which are not adjacent to the kitchen must be covered. If hot and cold carts are not used to deliver trays, carts must be completely cleaned before the next use.

### 569 SANITARY CONDITIONS

...569.3 Dishes, silverware, and glasses shall be free of breaks, tarnish, stain, cracks and chips.

There shall be an ample supply to serve all patients. Patients will be furnished knives, forks, and spoons unless there is documentation to indicate the patient is incapable of using these implements

569.4 Vessels used in preparing, serving or storing food shall be made of seamless metal or a nonabsorbent material which can be easily cleaned and shall be used for no other purpose. Enamelware shall not be used.

...569.15 If table covers are used in the dining room they shall be of a fabric which can be laundered. They shall be kept clean and changed at least daily.

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## CALIFORNIA

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s 72335. Dietetic Service -Food Service.

(a) The dietetic service shall provide food of the quality and quantity to meet ...the following:

...(4) Table service shall be provided for all patients who can and wish to eat at a table. Tables of appropriate height shall be provided for patients in wheelchairs.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.

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## COLORADO

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7.9 RESIDENT SOCIALIZATION. Except where contraindicated by physician order or resident preference, resident shall be...encouraged to eat in a dining room.

Part 11. DIETARY SERVICES

11.16 DINING AND RECREATIONAL FACILITIES. Dining and recreation areas shall be readily accessible to all residents, and shall not be in a hallway or lane of traffic in or out of the facility. Such space shall be sufficient to accommodate activities conducted there, consistent with resident comfort and safety. The dining and recreation areas may be separate or combined.

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## CONNECTICUT

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19-13-D8t. Chronic and convalescent nursing homes and rest homes with nursing supervision

...(q) Dietary services.

...4. All patients shall be encouraged to eat in the dining room unless medically contraindicated.

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## DELAWARE

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### 5.10 Dayroom and Dining Area:

5.10.1 Allow at least 30 square feet per bed for the first 100 beds and 27 square feet per bed for all beds in excess of 100; in areas furnished for patient dining, recreational and social activities.

5.10.2 The dining area shall be large enough to accommodate all patients that are not confined to their rooms. Patients are to be encouraged to eat in the dining room if their condition permits, even if a wheelchair is needed.

5.10.3 When a multi-purpose room is used, it shall have sufficient space to accommodate all activities to prevent interference one with the other.

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## DISTRICT OF COLUMBIA

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District of Columbia regulations do not contain specific content for Dining Experience

### 3234 ENVIRONMENTAL REQUIREMENTS

3234.7 The facility shall provide one (1) or more rooms designated for resident social, recreational, and dining activities which shall be:

- (a) Easily accessible from each resident's bedroom;
- (b) Well ventilated with designated smoking areas identified; (c) Adequately furnished; and
- (d) Have sufficient space to accommodate all activities.

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## FLORIDA

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Florida regulations do not contain specific content for Dining Experience.

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## GEORGIA

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Georgia regulations do not contain specific content for Dining Experience.

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## HAWAII

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(4) Food service.

(A) Food shall be served in a form consistent with the needs of the patient and the patient's ability to consume it.

...(B) Food shall be served with the appropriate utensils.

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## IDAHO

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107. DIETARY SERVICE.

07. Food Preparation and Service

...e. Individual patient/resident trays shall be identified with name, diet order, and room number. (1-1-88)

f. Trays provided bedfast patients/residents shall rest on firm supports, such as over-bed tables. Sturdy tray stands of proper height shall be provided patients/residents able to be out of bed. (1-1-88)

g. Tray service shall be attractive and provisions made to serve hot foods hot and cold foods cold. (1-1-88)

h. Trays for patients/residents who need to be fed shall be set up only as there is someone available to do the feeding. (1-1-88)

i. Facilities shall provide one (1) or more attractively furnished multipurpose areas of adequate size for patients'/residents' dining, diversional, and social activities. (1-1-88)

- i. It is recommended that a separate dining room area be provided when possible. (1-1-88)
- ii. Dining room areas shall be well lighted, ventilated, and equipped with tables with hard surfaces, and comfortable chairs. The floors in the dining rooms shall be of easily cleanable construction. (1-1-88)

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## ILLINOIS

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### Section 300.2090 Food Preparation and Service

...c) All residents shall be served in a dining room or multi-purpose room except for an individual with a temporary illness, who is too ill, or for other valid reasons.

Section 300.2110 Kitchen Equipment, Utensils, and Supplies. Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal.

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## INDIANA

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Indiana regulations do not contain specific content for Dining Experience..

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## IOWA

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### 58.24(5) Food preparation and service

...b. Foods shall be attractively served. (III)

...e. Table service shall be attractive. (III)

f. Plastic ware, china and glassware that are unsightly, unsanitary or hazardous because of chips, cracks or loss of glaze shall be discarded. (III)

## KANSAS

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28-39-158. Dietary services

...(h) Service. The facility shall:

(1) Provide dining room service for all capable residents.

## KENTUCKY

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Kentucky regulations do not contain specific content for Dining Experience.

## LOUISIANA

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§9819. Menus and Nutritional Adequacy

H. If residents require assistance in eating, food shall be maintained at appropriate serving temperatures until assistance is provided. Feeder trays shall be delivered at the time staff is immediately available for feeding.

§9823. Sanitary Conditions

...K. The kitchen shall not be used for dining of residents or unauthorized personnel.

## MAINE

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18.K. Food Service

18.K.4. Food shall be palatable and attractively served in appropriate portions and in a form designed to meet individual needs.

18.K.6. Service at a table in a dining area, other than a bedroom, shall be encouraged for all who can and will eat at a table, including wheelchair residents.

18.K.7. All residents seated at the same table shall be served at the same time.

18.K.8. Food shall be served on dishes and shall not be in direct contact with trays.

18.K.9. Trays, when used, shall rest on firm supports such as over-bed tables for bedfast residents. Sturdy tables of proper height shall be provided for residents able to be out of bed

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## MARYLAND

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## MASSACHUSETTS

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150.009: Dietary Service

...G) Preparation and serving of food

...7) Food shall be served in a home-like, pleasant, clean, relaxing and quiet atmosphere.

8) Individual tray service shall be provided for patients or residents who are unable to leave their rooms or who do not wish to eat in the dining room.

9) Trays.

a) Food shall be served on dishes and shall not be in direct contact with trays.

b) Trays shall be washable and of a type that can be sanitized.

c) Flat trays shall be served with a washable or disposable tray mat.

d) Trays shall be large enough to accommodate all the dishes necessary for a complete meal, arranged and served attractively.

e) Trays set up in advance of meal time shall be adequately covered to prevent contamination and shall not contain perishable food.

f) Trays shall be stored in a clean and sanitary manner.

g) There shall be a tray tag in a holder in each tray.

h) Trays shall rest on firm supports such as over-bed tables for bedfast patients or sturdy tables or tray stands of proper height for patients able to be out of bed. T.V. tray stands are not permitted.

(10) The main meals of a day -- morning, noon and evening shall be attractively served on



non-disposable dinnerware of good quality, such as ceramic, china, china-glass, glass, ironstone, melamine plastic or other materials that are durable and aesthetically pleasing.

(11) An adequate supply of trays, glassware, dishes, and flatware for individual patient or resident use shall be available at all times. Discolored, chipped or cracked dishes, glassware or trays shall not be used. Flatware of good quality shall be provided and kept in good condition.

(12) At the main meal, the main course shall be served on a dinner plate at least eight inches in diameter or its equivalent.

(13) Clean napkins shall be provided for all patients or residents at all meals, between-meal snacks and bedtime nourishment.

H) Single service disposable dishes, cups or cutlery shall not be used except as follows:

1) On a regular basis: only for between meal food services; in the preparation of individual servings of gelatin desserts, gelatin salads and puddings; in serving fruit juices, vegetable juices, milk, water and plastic holders with disposable inserts for use with hot beverages; and in serving relishes, jellies, condiments and seasonings.

2) On a temporary basis: for individual with an infectious illness, or when kitchen areas are being remodeled, providing that prior approval for use over a specified period of time has been received from the Department.

3) Disposable single service items shall comply with the following:

a) Cups, dishes, and bowls shall be made of non-absorbent materials such as molded or formed plastic and coated paper.

b) Single service items shall be rigid and sturdy.

c) Single service items shall be coordinated according to color and design and shall be aesthetically appealing.

d) Disposable flatware shall be full sized and heavy weight.

e) Single service items shall be used only once and then discarded.

f) All single service items shall be stored according to the manufacturer's instructions and handled and dispensed in a sanitary manner.

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## MICHIGAN

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Michigan regulations do not contain specific content for Dining Experience.

## MINNESOTA

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### 4658.0665 DISHES AND UTENSILS REQUIREMENTS.

The requirements in items A to E apply to the use of dishes and utensils.

- A. Only dishes and utensils with the original smooth finishes may be used. Cracked, chipped, scratched, or permanently stained dishes, cups, or glasses or damaged, corroded, or open seamed utensils or cookware must not be used. All tableware and cooking utensils must be kept in closed storage compartments.
- B. Accessories for food appliances must be provided with protective covers unless in enclosed storage.
- C. Enclosed lowerators for dishes are acceptable.
- D. Clean spoons, knives, and forks must be touched only by their handles. Clean cups, glasses, bowls, plates, and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.
- E. Dishes or plate settings must not be set out on the tables more than two hours before serving time.

### 4658.0620 FREQUENCY OF MEALS.

Subp. 4. Dining room. Meals are to be served in a specified dining area consistent with the resident's choice and plan of care.

## MISSISSIPPI

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### 129.08 Serving of Meals.

- 1. Table should be of a type to seat not more than four (4) or six (6) residents. Residents who are not able to go to the dining room shall be provided sturdy tables (not TV trays) of proper heights. For those who are bedfast or infirm tray service shall be provided in their rooms with the tray resting on a firm support.
- 1. Personnel eating meals or snacks on the premises shall be provided facilities separate from and outside of food preparation, tray service, and dishwashing areas.

2. Foods shall be attractively and neatly served. All foods shall be served at proper temperature. Effective equipment shall be provided and procedures established to maintain food at proper temperature during serving.

3. All trays, tables, utensils and supplies such as china, glassware, flatware, linens and paper placemats, or tray covers used for meal service shall be appropriate, sufficient in quantity and in compliance with the applicable sanitation standard.

### 130 PHYSICAL FACILITIES

130.10 Separation of Kitchen from Resident Rooms and Sleeping Quarters. Any room used for sleeping quarters shall be separated from the food service area by a solid wall. Sleeping accommodations such as a cot, bed, or couch shall not be permitted within the food service area.

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## MISSOURI

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19 CSR 30-85.052 Dietary Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities

...(8) Tray service and dining room service for residents shall be attractive and each resident shall receive appropriate table service. III

(9) Each resident who is served meals in bed or in a chair not within the dining area shall be provided with either a table, an overbed table or an overbed tray of sturdy construction which is positioned so that the resident can eat comfortably. III

...(13) If the residents have objectionable table manners, an alternate method of meal service shall be provided. III

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## MONTANA

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Montana regulations do not contain specific content for Dining Experience..

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## NEBRASKA

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12-007.03E Dining Areas: Dining areas must have an outside wall with windows for natural light and

ventilation. Dining areas must:

1. Be furnished with tables and chairs that accommodate or conform to resident needs;
2. Have a floor area of 15 square feet per resident in existing facilities and 20 square feet per resident in new construction;
3. Allow for group dining at the same time in either separate dining areas or a single dining area, dining in two shifts, or dining during open dining hours; and
4. Not be used for sleeping, offices, or corridors.

12-007.04E Electrical System: The facility must have an electrical system that has sufficient capacity to maintain care and treatment services provided. The electrical system must be properly grounded.

12-007.04E2 The facility must provide minimum illumination levels as follows:

3. Personal care and dining areas: 20 foot candles;

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## NEVADA

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NAC 449.716 Dietary services for Intermediate Care Facilities. ([NRS 449.037](#))

7. Where a facility operates on the cottage plan, provision must be made for food service that ensures hot, palatable meals. If the cottage plan provides for a central dining area, walkways to the dining area providing protection from the elements must be provided.

NAC 449.7338 Dining and Storage Space for Intermediate Care Facilities. ([NRS 449.037](#))

1. Dining space of 15 square feet (1.39 square meters) per seated person must be provided for ambulatory patients, staff and visitors.
2. Tables and chairs must be of proper height and of sufficient number to provide seating for the number of residents authorized for the facility. They must be sturdy and have easily washable surfaces. Chairs must be constructed so that they do not overturn easily.
8. A resident must be served meals in his bedroom for not more than 14 consecutive days if he is temporarily unable to eat in the dining room because of an injury or illness. The facility may serve meals to other residents in their rooms upon request. If a meal is served to a resident in his room because the resident is unable to eat in the dining room the facility shall maintain a record of the times and reasons for serving meals to the resident in his room.

## NEW HAMPSHIRE

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He-P 803.20 Food Services.

(a) The licensee shall provide food services that:

...(5) Include facilities and equipment for meal delivery and assisted feeding, as applicable; and

(6) Include dining facilities that have eating areas sufficient in size to provide seating for at least 50% of the licensed capacity.

## NEW JERSEY

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8:39-17.2 Mandatory policies and procedures for dietary services

...(e) The facility shall routinely provide nondisposable dishes and cutlery at all meals except for special meal activities or individual resident needs.

8:39-18.4 Advisory resident dietary services

(a) There are dietary observances for national and/or religious holidays.

(b) Fresh fruits and vegetables are served in season on a daily basis.

(c) The facility utilizes a dining room/area, other than day rooms, for residents with special needs.

(d) Residents have access to a refrigerator or snack bar.

(e) Residents are offered a selective menu consisting of at least three main entrees at each meal.

(f) A menu committee composed of residents participates in meal planning.

...(g) The facility sponsors a guest meal program.

8:39-18.5 Supplies and equipment

The facility provides cloth table covers and cloth napkins at least once a day.

8:39-46.5 Advisory nutrition [Alzheimer's/dementia program]

...b) The Alzheimer's/dementia program provides a small dining room, separate room, or designated dining area furnished to meet the needs of the residents, with staff members or trained volunteers to assist.

## NEW MEXICO

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7.9.2.52 DIETARY SERVICE:

E. MEAL SERVICE:

... (2) Identification to trays: Trays, if used shall be identified with the resident's name and type diet.

(3) Table service: Table service shall be provided for all residents who can and want to eat at a table.

## NEW YORK

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New York regulations do not contain specific content for Dining Experience.

## NORTH CAROLINA

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North Carolina regulations do not contain specific content for Dining Experience.

## NORTH DAKOTA

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33-07-03.2-16.Dietary services.

Dietary services must include:

...8. Table service for all who can and will eat at a table. For those not eating at a table, the proper eating equipment must be available and used.

## OHIO

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3701-17-18 Food and nutrition.

...C) A nursing home may provide home-style meal or buffet service if the residents agree to participate in the meal service and the home:

- 1) Uses precautions to prevent contamination of food being served;
- 2) Assists residents when necessary; and
- 3) Complies with the other requirements of this rule.

For purposes of this paragraph, "home-style meal service" means a dining experience where small groups of residents sit together for a meal and each resident portions his or her own food onto his or her plate from a serving platter or bowl. The serving platter or bowl is then passed to another resident in the group. "Buffet service" means an informal meal service that is set up in a manner that allows residents to portion their own food onto their plates from a buffet of food items and transport to a table in the dining area for consumption.

## OKLAHOMA

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310:675-5-9. Dietary facilities

Shall be provided in such size as required to implement the type of food service system selected:

- ...5) Resident meal service space including facilities for tray assembly and distribution.
- 6) Dining Area for ambulatory residents, staff, and visitors.

## OREGON

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Oregon regulations do not contain specific content for Dining Experience.

d) An identification system shall be established to ensure that each resident receives diet as ordered.

(3) Common Areas. All common areas (areas accessible to residents or visitors, excluding resident rooms) shall be clearly posted with signs stating "NO SMOKING" or "SMOKING AREA" or equivalent wording. In facilities with a single room designated for a specific purpose (e.g., dining or activities), that room shall either be divided into smoking and no smoking areas or designated no smoking in its entirety. If two or more rooms are designated for a specific purpose, at least one of the rooms shall be designated no smoking in its entirety.

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## PENNSYLVANIA

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§ 205.24. Dining room

...b) Tables and space shall be provided to accommodate wheelchairs with trays and other devices

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## RHODE ISLAND

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Section 27.0 Dietetic Services

27.12 Foods shall be prepared by methods that conserve nutritive value, flavor and appearance, and shall be prepared and served at proper temperatures and in a form to meet individual needs. Food substitutes of similar nutritive value shall be offered when residents refuse foods served for good reason.

a) A file of tested recipes, adjusted to appropriate yield, shall be maintained and utilized corresponding to items on the menu.

b) House diets shall be appropriately seasoned.

c) There shall be a supply of staple foods for a minimum of seven (7) days and of perishable foods for a minimum of two days in the facility.

27.13 Food shall be attractively served on dinnerware of good quality, such as ceramic, plastic or other materials that are durable and aesthetically pleasing.

27.14 A dining room shall be available for those residents or residents who wish to participate in group dining in accordance with section 46.1 herein.

27.15 Self-help feeding devices shall be available to those residents who need them to maintain maximum independence in the activities of daily living.



27.16 A facility contracting for food service shall require as part of the contract, that the contractor comply with the provisions of the regulations herein.

## SOUTH CAROLINA

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### 1401. General (II)

... E. Efforts shall be made to accommodate the religious, cultural, and ethnic preferences of each resident and consider variations of eating habits, unless the orders of a physician or other legally authorized healthcare provider contraindicate

### 1404. Meals and Services (II)

... B. The dining area shall provide a comfortable and relaxed environment. Table service shall be planned in an attractive and colorful manner for each meal.

C...Personal preferences as to the times residents receive their meals may be honored. This may include offering smaller, more frequent meals, or snacks, or postponing meals to honor a resident's request, e.g., to sleep or not to eat. The condition of the resident shall dictate the manner in which meal service is adjusted to suit personal preferences. Meal service systems, e.g., four-meal plans and/or buffet dining, may be offered in order to facilitate the resident receiving a variety of foods.

## SOUTH DAKOTA

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### 44:04:07:02.06. Social needs.

In nursing facilities and assisted living centers the dietetic service, in cooperation with other departments or services, must meet the social needs of the residents in the dining setting. Social needs include mutually compatible seating arrangements, pleasant dining atmosphere, encouragement of interactions between residents, and food service to all residents at a table at approximately the same time.

### 44:04:07:12. Dining arrangements.

The facility must provide environmental and social accommodations for each patient or resident to encourage eating in the common dining area. Assistance must be provided for patients or residents in need of help in eating.

## TENNESSEE

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Tennessee regulations do not contain specific content for Dining Experience.

## TEXAS

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### Dining and Resident Activities

...c) Dining areas. Dining space must be provided to adequately serve needs of the residents and provide an efficient, sanitary, and pleasant environment for dining.

### RULE §19.1107 Menus and Nutritional Adequacy

...g) Accommodation of resident needs. The facility must provide:

- 1) table service for all who can and will eat at the table, including wheelchair residents;
- 2) firm supports, such as over-bed tables, for serving trays to bedfast residents;
- 3) sturdy tray stands of proper height to residents able to be out of bed for their meals;
- 4) special eating equipment and utensils for residents who need them; and
- 5) prompt assistance for residents who need help eating.

h) An identification system, such as tray cards, must be available to ensure that all diets are served in accordance with physician's orders.

## UTAH

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Utah regulations do not contain specific content for Dining Experience.

## VERMONT

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### 7.14 Dietary Services

...(c) Food. Each resident shall receive and the facility shall provide:

- (1) food prepared by methods that conserve nutritive value, flavor and appearance;
- (2) food that is palatable, attractive, and at the proper temperature;
- (3) food prepared in a form designed to meet individual needs;
- (4) substitutes offered of similar nutritive value to residents who refuse food served.

## VIRGINIA

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12 VAC 5-371-340. Dietary and food service program. (revised 1/11/2006)

... M. Disposable dinnerware or tableware shall be used only for emergencies, for infection control, as part of special activities, or as indicated in a resident's plan of care.

## WASHINGTON

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388-97-1100 Dietary services.

The nursing home must:

...2) Serve food in an attractive manner and at temperatures safe and acceptable to each resident.

388-97-1140 Individual dietary needs.

The nursing home must:

1) Encourage residents to continue eating independently;

...3) Allow sufficient time for eating in a relaxed manner;

...5) Provide table service, for all residents capable of eating at a table, in a dining area/room, located outside of the resident's room...

74.42.310 Staff duties at meals.

...(2) A facility shall provide table service for all residents, including residents in wheelchairs, who are capable and willing to eat at tables.

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## WEST VIRGINIA

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8.15.d.2. Food that is palatable, attractive, and at the proper temperature;

8.15.d.2.A. At the time of receipt by the resident, foods shall be at a temperature of no less than 120\_F for hot foods and at no more than 50\_F for cold foods;

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## WISCONSIN

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HFS 132.63 Dietary service.

(5) MEAL SERVICE.

...b) Identification of trays. Trays, if used, shall be identified with the resident's name and type of diet.

(c) Table service. The facility shall provide table service in dining rooms for all residents who can and want to eat at a table, including residents in wheelchairs.

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## WYOMING

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Wyoming regulations do not contain specific content for Dining Experience.

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## FEDERAL REQUIREMENTS

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§ 483.35 Dietary services.

(d) Food. Each resident receives and the facility provides;

(1) Food prepared by methods that conserve nutritive value, flavor, and appearance;

(2) Food that is palatable, attractive, and at the proper temperature;

(3) Food prepared in a form designed to meet individual needs; and

(4) Substitutes offered of similar nutritive value to residents who refuse food served.