

NUTRITIONAL HEALTH WORKGROUP

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****Bold and italics indicate proposed revision.***

Regulation and Recommended Revision

§ 1006. Definitions.

The Nutritional Health Workgroup did not propose any revisions to this regulation.

ESC Action/Response

1. Regulation and Recommended Revision

§ 1240. Frequency of Serving.

In Temporary Holding, Type I, II, and III facilities, and those Type IV facilities where food is served, food shall be served three times in any 24-hour period. At least one of these meals shall include hot food. Supplemental food must be served to inmates if more than 14 hours pass between meals. Additionally, supplemental food must be served to inmates on medical diets in less than a 14-hour period if prescribed by the responsible physician.

A minimum of fifteen minutes shall be allowed for the actual consumption of each meal except for those inmates on medical diets where the responsible physician has prescribed additional time.

Provisions shall be made for inmates who may miss a regularly scheduled facility meal. They shall be provided with a substitute meal and beverage, and inmates on medical diets shall be provided with their prescribed meal.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Nutritional Health Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

The Nutritional Health Workgroup discussed the potential need to change wording in this regulation so that inmates were not provided with both their breakfast and lunch at the same time.

The concerns were discussed, as well as the impacted operational issues. It was ultimately decided to not make any changes to this regulation.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1241. Minimum Diet.

The minimum diet provided shall be based upon the nutritional and caloric requirements found in the 2011 Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies, the 2008 California ~~Daily~~ Food Guide, and the ~~2015-2020~~ Dietary Guidelines for Americans. Facilities ~~electing to providing religious,~~e vegetarian or medical diets, ~~and facilities that provide religious diets,~~ shall also conform to these nutrition standards. The nutritional requirements for the minimum diet are specified in the following subsections. A daily or weekly average of the food group's requirement is acceptable. A wide variety of food should be served.

(a) Protein Group. Includes beef, veal, lamb, pork, poultry, fish, eggs, cooked dry beans, peas, lentils, nuts, peanut butter and textured vegetable protein (TVP). One serving equals 14 grams or more of protein; the daily requirements shall be equal to three servings (a total of 42 grams per day or 294 grams per week). In addition, there shall be a requirement to serve a fourth serving from the legumes three days a week.

(b) Dairy Group. Includes milk (fluid, evaporated or dry; nonfat, 1% or ~~2%~~ reduced fat, etc.); cheese (cottage, cheddar, etc.); yogurt; ice cream or ice milk; and pudding. A serving is equivalent to 8 oz. of fluid milk and provides at least 250 mg. of calcium. All milk shall be pasteurized and fortified with Vitamins A and D. The daily requirement is three servings. One to two servings can be from a fortified food that has the nutrients equivalent to 8 oz. of fluid milk. containing at least 250 mg. of calcium. For persons 15-17 years of age, or pregnant and lactating women, the requirement is four servings of milk or milk products.

(c) Vegetable-Fruit Group. Includes fresh, frozen, dried and canned vegetables and fruits. One serving equals: 1/2 cup vegetable or fruit; 6 ounces of 100% juice; 1 medium apple, orange, banana, or potato; 1/2 grapefruit; or 1/4 cup dried fruit. The daily requirement of fruits and vegetables shall be five servings. At least one serving shall be from each of the following three categories:

- (1) One serving of a fresh fruit or vegetable per day, or seven (7) servings per week.
- (2) One serving of a Vitamin C source containing 30 mg. or more per day or seven (7) servings per week.
- (3) One serving of a Vitamin A source, fruit or vegetable, containing 200 micrograms Retinol Equivalents (RE) or more per day, or seven servings per week.

(d) Grain Group. Includes bread, rolls, pancakes, sweet rolls, ready-to-eat cereals, cooked cereals, corn bread, pasta, rice, tortillas, etc. and any food item containing whole or enriched grains. At least three servings from this group must be made with ~~some~~ whole grains. The daily requirements shall be a minimum of six servings.

Providing only the minimum servings outlined in this regulation is not sufficient to meet the inmates' caloric requirements. Additional servings from the dairy, vegetable-fruit, and bread-cereal groups must be provided in amounts to meet caloric requirements. ~~In keeping with chronic disease prevention goals, total Saturated~~ dietary fat should not exceed ~~1030~~ percent of total calories on a weekly basis. Fat shall be added only in minimum amounts necessary to make the diet palatable. Facility diets shall consider the recommendations and intentions of the 2015-2020 Dietary Guidelines of Americans of reducing overall sugar and sodium levels.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

The 2015-2020 Dietary Guidelines were released on 01/07/2016. This regulation was updated accordingly, to include:

- The California Daily Food Guide was changed to the California Food Guide. All other changes were made to be consistent.
- Dairy was further defined to allow for flexibility without a change to the regulation.
- Increased grain (by deleting "some") was done to meet the guidelines.
- Sodium and Sugar intake should be a consideration in determining proper diet.

The revisions were made to correct the verbiage to be consistent with the new guidelines. (Dairy change allows for more flexibility and grain change is to be consistent with the language.)

4. What is the operational impact that will result from this revision; how will it change operations?

Meal planning will need to reflect the updated regulation requirements.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

The change will be cost effective and is justified as the change reduces the costs of dairy.

6. How will BSCC measure compliance with this revision?

The inspector will measure compliance with the revised regulation language.

7. Summary of Workgroup Discussion and Intent

The Nutritional Health Workgroup discussed the new 2015-2020 Dietary Guidelines and the suggestions for the revisions were ultimately made.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1242. Menus.

Menus in Type II and III facilities, and those Type IV facilities where food is served, shall be planned at least one month in advance of their use. Menus shall be planned to provide a variety of foods, thus preventing repetitive meals. Menus shall be approved by a registered dietitian before being used.

If any meal served varies from the planned menu, the change shall be noted in writing on the menu and/or production sheet.

Menus, as planned, including changes, shall be evaluated by a registered dietitian at least annually.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Nutritional Health Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1243. Food Service Plan.

Facilities shall have a written food service plan that shall comply with the applicable California Retail Food Code. In facilities with an average daily population of 100 or more, there shall be employed or available, a trained experienced food services manager to prepare and implement a food service plan. In facilities of less than an average daily population of 100 that do not employ or have a food services manager available, the facility administrator shall prepare a food service plan. The plan shall include, but not limited to, the following policies and procedures:

- (a) menu planning;
- (b) purchasing;
- (c) storage and inventory control;
- (d) food preparation;
- (e) food serving;
- (f) transporting food;
- (g) orientation and ongoing training;
- (h) personnel supervision;
- (i) budgets and food cost accounting;
- (j) documentation and record keeping;
- (k) emergency feeding plan;
- (l) waste management; ~~and~~
- (m) maintenance and repair; ~~and~~
- (n) three-day mainline sample tray.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

Standard practice for many facilities is to prepare and hold a three-day sample tray. This is an industry best practice in the event that a food borne illness occurs, the trays may be tested to either determine the cause or to rule out a food borne illness.

4. What is the operational impact that will result from this revision; how will it change operations?

The operational impact would be reflected in the time it takes for kitchen staff to make and store the tray.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

The fiscal impact of this change would be the cost of one additional plate in each of three meals per day, as well as the training to ensure staff accomplish this task. It is justified as it is a best practice in the industry.

6. How will BSCC measure compliance with this revision?

The inspector would determine compliance by reviewing practices in comparison to the regulation.

7. Summary of Workgroup Discussion and Intent

The Nutritional Health Workgroup discussed best practices to ensure food safety/health of inmates. To keep a mainline sample tray ensures better quality of food preparation. This was discussed at length.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1245. Kitchen Facilities, Sanitation, and Food Storage.

(a) Kitchen facilities, sanitation, and food preparation, service, and storage shall comply with standards set forth in Health and Safety Code, Division 104, Part 7, Chapters 1-13, Sections 113700 et seq. California Retail Food Code.

(b) In facilities where inmates prepare meals for self-consumption or where frozen meals or pre-prepared food from other permitted food facilities (see Health and Safety Code Section 114381) are (re)heated and served, the following applicable California Retail Food Code standards may be waived by the local health officer:

- (1) H & S Sections 114130-114141;
- (2) H & S Sections 114099.6, 114095-114099.5, 114101-114109, 114123, and 114125, if a domestic or commercial dishwasher capable of providing heat to the surface of the utensils of a temperature of at least 165 degrees Fahrenheit, is used for the purpose of cleaning and sanitizing multi-service utensils and multi-service consumer utensils;
- (3) H & S Sections 114149-114149.3 except that, regardless of such a waiver, the facility shall provide mechanical ventilation sufficient to remove gases, odors, steam, heat, grease, vapors and smoke from the kitchen;
- (4) H & S Sections 114268-114269; and,
- (5) H & S Sections 114279-114282.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Nutritional Health Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

The Nutritional Health Workgroup discussed and agreed that this section had more of an environmental impact than a nutrition impact and determined no change, and to refer to the Environmental Health Workgroup for review. The Environmental Health Workgroup reviewed the regulation and determined no change was necessary.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1246. Food Serving and Supervision.

Policies and procedures shall be developed and implemented to ensure that appropriate work assignments are made and food handlers are adequately supervised. Food shall be prepared and served only under the immediate supervision of a staff member.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Nutritional Health Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1247. Disciplinary Isolation Diet.

(a) A disciplinary isolation diet which is nutritionally balanced may be served to an inmate. No inmate receiving a prescribed medical diet is to be placed on a disciplinary isolation diet without review by the responsible physician or pursuant to a written plan approved by the physician. Such a diet shall be served twice in each 24 hour period and shall consist of one-half of the loaf (or a minimum of 19 oz. cooked loaf) described below or other equally nutritious diet, along with two slices of whole wheat bread and at least one quart of drinking water if the cell does not have a water supply. The use of disciplinary isolation diet shall constitute an exception to the three-meal-a-day standard. Should a facility administrator wish to provide an alternate disciplinary diet, such a diet shall be submitted to the Board for approval.

(b) The disciplinary diet loaf shall consist of the following:

- 2-1/2 oz. nonfat dry milk
- 4-1/2 oz. raw grated potato
- 3 oz. raw carrots, chopped or grated fine
- 1-1/2 oz. tomato juice or puree
- 4-1/2 oz. raw cabbage, chopped fine
- 7 oz. lean ground beef, turkey or rehydrated, canned, or frozen Textured Vegetable Protein (TVP)
- 2-1/2 fl. oz. oil
- 1-1/2 oz. whole wheat flour
- 1/4 tsp. salt
- 4 tsp. raw onion, chopped
- 1 egg
- 6 oz. dry red beans, pre-cooked before baking (or 16 oz. canned or cooked red kidney beans)
- 4 tsp. chili powder

Shape into a loaf and bake at 350-375 degrees for 50-70 minutes.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Nutritional Health Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1248. Medical Diets.

The responsible physician, in consultation with the facility administrator, shall develop written policies and procedures that identify the individual(s) who are authorized to prescribe a medical diet. The medical diets utilized by a facility shall be planned, prepared and served with consultation from a registered dietitian. The facility manager shall comply with any medical diet prescribed for an inmate.

The facility manager and responsible physician shall ensure that the medical diet manual, which includes sample menus of medical diets, shall be available in both the medical unit and the food service office for reference and information. A registered dietitian shall review, and the responsible physician shall approve, the diet manual on an annual basis.

Pregnant women shall be provided a balanced, nutritious diet approved by a doctor.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Medical/Mental Health Workgroup nor the Nutritional Health Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response