33-07-03.2-01. **Definitions.** The following terms are defined for this chapter, chapter 3307-04.2, and North Dakota Century Code chapter 23-16:

16. "Paid feeding assistant" means an individual who has successfully completed a department-approved paid feeding assistant training course and is paid to feed or provide assistance with feeding residents of a nursing facility.

**History:** Effective July 1, 1996; amended effective May 1, 2001; July 1, 2004.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

33-07-03.2-16. **Dietary services.**

The facility shall provide for the dietary needs of the residents and provide dietary services in conformance with the food service sanitation manual issued by the department.

Dietary services must include:

1. A qualified director of dietary services must be designated to be responsible for the dietary service of the facility.

   a. A director of dietary services is:

      (1) A dietitian licensed to practice in North Dakota and registered by the American Dietetic Association;

      (2) A graduate of a dietetic technician or dietetic assistant training program approved by the American Dietetic Association;

      (3) A certified dietary manager, certified by the certifying board for dietary managers;

      (4) A graduate of a state-approved course that provides ninety or more hours of instruction in dietary service supervision in a health care institution with consultation from a licensed and registered dietitian; or

      (5) An individual trained and experienced in food service supervision and management in a military service equivalent to the program described in paragraph 2 or 4.

   b. If the director of dietary services is not a licensed and registered dietitian, regularly scheduled consultation from a consultant licensed and registered dietitian must be obtained at least monthly.
1. Dietary service personnel and all personnel who are actively engaged in assisting residents with eating must be in good health and practice hygienic food handling techniques.

2. Menus for all diets must be planned in accordance with the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Science. Sufficient food must be prepared as planned for each meal to meet the nutritional needs of residents.
   a. Menus must be written at least one week in advance. The current week’s menus must be located in the dietary services area for easy use by dietary services staff.
   b. When changes in the menu are necessary, substitutions must provide equal nutritive value. The change and the reason for the change must be noted in writing on the menu.
   c. Menus of food served must be filed and maintained for thirty days.
   d. Menus must be adjusted to address the requests of the residents when possible.

3. Therapeutic diets when prescribed by the licensed health care practitioner.

4. At least three meals or the equivalent must be served daily, at regular times.
   a. There must be no more than a fourteen-hour span between a substantial evening meal and breakfast unless a nourishing snack is provided at bedtime. Up to sixteen hours may elapse between a substantial evening meal and breakfast the following day if the residents agree to this meal span and a nourishing evening snack is served.
   b. A substantial evening meal is an offering of three or more menu items at one time, one of which includes a high quality protein item such as meat, fish, egg, or cheese.
   c. Snacks must be offered at bedtime daily.

5. A current diet manual, approved by the medical staff or medical director, must be readily available.

6. Providing each resident with food prepared by methods that conserve nutritive value, flavor, and appearance. The food must be attractively served at the proper temperatures and in a form to meet individual needs. Equipment must be provided and procedures established to:
   a. Maintain hot food above one hundred forty degrees Fahrenheit [60 degrees Celsius] during dishing.
   b. Ensure that cold foods leave the kitchen at no more than forty-five degrees Fahrenheit [7.22 degrees Celsius].

7. 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.

8. Facilities for the general dietary needs of the residents, and for the maintenance of sanitary conditions in the storage, preparation, service and distribution of food.
33-07-03.2-16.1. Paid feeding assistants.

Any individual employed by a facility, or under contract, to feed or assist with the feeding of nursing facility residents must either have successfully completed a department-approved paid feeding assistant training course or be a certified nurse aide.

1. Instructors of a department-approved paid feeding assistant course must meet the following requirements:

a. The primary instructor of the program must be a licensed health care professional with experience in the feeding of nursing facility residents.

b. Certified nurse aides and paid feeding assistants may not be used as instructors in a department-approved paid feeding assistant course.

2. A department-approved paid feeding assistant course must have a curriculum which contains, at a minimum, eight hours of training.

3. The course must, at a minimum, include the following:

a. Feeding techniques.

b. Assistance with feeding and hydration.

c. Communication and interpersonal skills.

d. Appropriate responses to resident behavior.

e. Safety and emergency procedures, including the Heimlich maneuver.

f. Infection control.

g. Resident rights.

h. Recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting those changes to the supervisory nurse.

4. The instructor must verify in writing the successful completion of the course, including a competency evaluation of feeding skills, by the individual. The process for evaluation of successful completion of the course must be included in the materials submitted to the department for review and approval.

5. The nursing facility must maintain a record of all individuals used by the nursing facility as paid feeding assistants who have successfully completed a department-approved paid feeding assistant training course.
6. The nursing facility must ensure that paid feeding assistants feed only residents who have no complicated feeding problems. Complicated feeding problems include difficulty swallowing, recurrent lung aspirations, and tube or parenteral intravenous feedings.

7. The charge nurse must assess the residents to determine which residents may be fed by a paid feeding assistant. This assessment must be documented and the use of the paid feeding assistant to feed the resident must be included in the residents’ plan of care.

8. The nursing facility must ensure that paid feeding assistants work under the supervision of a registered nurse or a licensed practical nurse. In an emergency, a paid feeding assistant must call a supervisory nurse for help using the resident call system if the nurse is not present during the feeding of a resident.

9. The nursing facility must ensure that the ongoing competency of paid feeding assistants is evaluated and documented at least annually.

10. The initial department approval of a paid feeding assistant course shall be determined based on the review of the information submitted by the nursing facility for compliance with these requirements.

11. The nursing facility must notify the department and receive approval of any subsequent changes in the curriculum or primary instructor of the course.

12. The department shall determine continued compliance with these requirements during an onsite visit to the nursing facility.

13. Failure to comply with these requirements may result in loss of department approval for a paid feeding assistant course to be offered by the nursing facility.

History: Effective July 1, 2004.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 23-16-01