3701-17-07 Qualifications and health of personnel.

...(H) A food service manager designated pursuant to paragraph (K) of rule 3701-1718 of the Administrative Code shall have successfully completed a certification in food service course approved by the director in accordance with rule 3701-2125 of the Administrative Code. Individuals serving as food service managers on the effective date of this rule have one year from the rule effective date to comply with this provision.

3701-17-07.2 Dining assistants.

(A) For purposes of this rule:

(1) "Long term care facility" has the same meaning as in rule 3701-17-07.1 of the Administrative Code.

(2) "Dining assistant" means an individual who meets the requirements specified in this rule and who is paid to feed long term care facility residents by a long term care facility or who is used under an arrangement with another agency or organization.

(3) "Supervision" means that the nurse is in the unit where the feeding assistance is furnished and is immediately available to provide help in an emergency.

(4) "Suspension of approval" means that a dining assistant training course is prohibited from providing training to individuals under this rule until the suspension is lifted pursuant to paragraph (K) of this rule.

(5) "Withdrawal of approval" means that a dining assistant training course is no longer eligible to provide training under this rule, but does not prohibit the submission of a new application for approval.

(B) A long term care facility may use dining assistants to feed residents who, based on the charge nurse’s assessment of the resident and the most recent resident assessment performed pursuant to rule 3701-17-10 of the Administrative Code and plan of care developed pursuant to rule 3701-17-14 of the Administrative Code, meet the following conditions:

(1) Need assistance or encouragement with eating and drinking;

(2) Do not have a complicated feeding problem, such as the need for tube or parenteral feeding, recurrent lung aspirations or difficulty swallowing that requires assistance with eating and drinking by a registered nurse, licensed practical nurse, or nurse aide.
(C) If a facility uses a dining assistant the facility must ensure that the dining assistant meets the following requirements:

(1) Except as provided in paragraph (D) of this rule, has successfully completed a dining assistant training course approved by the director as specified in paragraph (G) of this rule;

(2) Is not the subject of a finding of abuse or neglect of a resident or misappropriation of the property of a resident on the nurse aide registry, established pursuant to section 3721.32 of the Revised Code; and

(3) Performs duties only for residents who do not have a complicated feeding problem, and under the supervision of a registered nurse or licensed practical nurse.

(D) A person who has successfully completed a training course for dining assistants and has not worked in a long term care facility as a dining assistant for a period of twelve consecutive months shall not be used as a dining assistant in a long term care facility until the person successfully retakes the training course. The facility must maintain a record of all individuals, used by the facility as dining assistants.

(E) The training course for dining assistants shall provide a combined total of at least ten hours of instruction, including a one hour clinical portion. The clinical portion shall be provided for no more than eight participants at one time. The training course shall follow the curriculum specified in the appendix attached to this rule and address the following topics:

(1) Feeding techniques;

(2) Assistance with feeding and hydration, including the use of assistive devices;

(3) Communication and interpersonal skills;

(4) Appropriate responses to resident behavior;

(5) Safety and emergency procedures, including the Heimlich maneuver;

(6) Infection control;

(7) Residents rights;

(8) Recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting those changes to the supervisory nurse;

(9) Special diets;

(10) Documentation of type and amount of food intake; and

(11) Meal observation and actual feeding assistance to a resident.

(F) The instructor or instructors for a dining assistant course shall have appropriate experience and one of the following qualifications:
(1) A current valid license to practice as a nurse, as defined in paragraph (S) of rule 3701-17-01 of the Administrative Code;

(2) A current valid license issued under Chapter 4759. of the Revised Code to practice as a dietitian.

(3) A current valid license issued under Chapter 4753. of the Revised Code to practice as a speech-language pathologist; or

(4) A current valid license issued under Chapter 4755. of the Revised Code to practice as an occupational therapist.

(G) A long term care facility, employee organization, person, governmental entity, or an approved TCEP seeking approval of a dining assistant training course shall make an application to the director on a form prescribed by the director and shall provide any documentation or additional information requested by the director. The application shall include:

(1) An attestation that the information contained in the curriculum attached as appendix A of this rule is understood and will be adhered to; and

(2) The name and documentation of the qualifications of the instructor or instructors, as specified in paragraph (F) of this rule.

(H) The director shall approve an application of a dining assistant training course that demonstrates compliance with the requirements of this rule and, if the course is operated by or in a long term care facility, the facility is not the subject of an action listed in paragraph (I)(2) of this rule. An approved dining assistant training course is not required to renew an approval provided that the director is notified of any changes to the information provided in the original application.

(I) The director may suspend or withdraw approval of a dining assistant training course if at least one of the following applies:

(1) The course is not operated in compliance with this rule; or

(2) The course is operated by or in a long term care facility and one the following applies;

(a) The director has notified the facility of a real and present danger under section 3721.08 of the Revised code;

(b) An action has been taken against the facility under section 5111.51 of the Revised Code; or

(c) The license of the facility is revoked under section 3721.03 of the Revised Code.

(J) Suspension or withdrawal of approval is not subject to appeal. If the director determines that one of the criteria listed in paragraph (I) of this rule applies to a dining assistant training course the director may, upon written notice, immediately suspend the approval of the training course. The written notice to the dining assistant training course shall provide the following:
(1) The criteria listed in paragraph (I) of this rule giving rise to the suspension or proposed withdrawal of approval;

(2) An opportunity to submit documentation demonstrating that the matter giving rise to the suspension has been corrected;

(3) An opportunity to request an informal review;

(4) An indication of whether the director proposes to withdraw the approval.

(K) If the director determines that the training course has satisfactorily demonstrated that the matter which gave rise to the suspension has been satisfactorily corrected or otherwise does not apply to the training course, the director shall lift the suspension and, if applicable, rescind the proposal to withdraw.

(L) If the director determines that the training course has not satisfactorily demonstrated that the matter which gave rise to the suspension has been corrected the director shall withdraw the training course approval.


3701-17-18 Food and nutrition.

(A) Each nursing home shall have a kitchen and other food service facilities which are adequate for preparing and serving appetizing food for all residents. The nursing home shall develop and implement a policy addressing its method for accommodating religious, ethnic and cultural and personal preferences.

(B) Each nursing home shall provide at least three nourishing and appetizing meals daily to all residents at regular hours. There shall be at least a four-hour interval of time between the breakfast and noon meal and between the noon and evening meal. There will be no more than sixteen hours between the evening meal and breakfast. Each nursing home shall offer a nourishing snack, consisting of a choice of beverages and a food item from a basic food group, after the evening meal. Food substitutes of similar nutritive value shall be offered to residents who refuse the food served and serving size may be adjusted according to resident preference. The nursing home shall accommodate a resident’s preference or medical need to eat at different intervals.

(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.

(D) Each nursing home shall maintain at all times sufficient food supplies for residents. The home shall maintain at least two days' supply of perishable food items and at least one week's supply of staple food items. The amount of such supplies shall be based on the number of meals that the nursing home provides and the nursing home's census.

(E) Each nursing home shall have planned menus, which are approved by the dietitian required by paragraph (K) of this rule, for all meals, including special diets, at least one week in advance. Menus shall be varied and be based on a standard meal planning guide published or approved by a licensed or registered dietitian in accordance with acceptable standards or practice. The nursing home shall maintain records for all meals, including special diets, as served. The meal records shall be kept on file in the nursing home for at least one year after being served and made available to the director upon request. The records shall indicate the date that each meal was served along with any food substitutions from the menu.

(F) Each nursing home shall provide nourishing, palatable and attractive meals that provide the recommended dietary allowances of the "Food and Nutrition Board" of the "National Academy of Sciences". Food shall vary in texture, color and seasonal items. The food shall be prepared and served in a form that meets the resident’s needs based on the assessment conducted pursuant to rule 3701-1710 of the Administrative Code.

(G) Safe, fresh, and palatable drinking water shall be accessible for residents at all times.

(H) Special diet menus shall be adjusted as directed by the dietitian required under paragraph (K) of this rule or the resident's attending physician. The special diet shall be prepared and served as ordered.

(I) The nursing home shall monitor each resident's nutritional intake and make adjustments in accordance with the resident’s needs. Notification of any significant unplanned or undesired weight change shall be made to the resident's attending physician and the dietitian required by paragraph (K) of this rule. "Significant unplanned or undesired weight change" means a five per cent weight gain or loss over a one month period, a seven and one-half per cent or more weight gain or loss over a three month period, or a ten per cent or more weight gain or loss over a six month period.

(J) The nursing home shall store, prepare, distribute and serve food under sanitary conditions and in a manner that protects it against contamination and spoilage in accordance with food service requirements of Chapter 3717-1 of the Administrative Code.
(K) Each nursing home shall employ a dietitian, who may be hired on a full-time, part-time or consultant basis, to plan, manage and implement dietary services that meet the residents' nutritional needs and comply with the requirements of this rule. If the home does not have the full-time equivalent of a dietitian, the nursing home shall designate a person who meets the qualifications specified in paragraph (H) of rule 3701-17-07 of the Administrative Code, to serve as the food service manager. The part-time or consultant dietitian, at a minimum, shall consult monthly with the food service manager. Each nursing home shall ensure that the dietitian performs the following functions:

(1) Assesses, plans, manages and implements nutritional services that meet the needs of the residents;

(2) Oversees the development and implementation of policies and procedures which assure that all meals are prepared and served as ordered and that food service personnel maintain sanitary conditions in procurement, storage, preparation, distribution and serving of food;

(3) Monitors at least quarterly, or more often as determined by the dietitian, food preparation staff, staff responsible for carrying out the duties specified in this rule, and residents on special diets;

(4) Evaluate residents' response to new calculated diets, and the home's compliance in the provision of such diet, within one month after the nursing home commences providing the diet. For the purposes of this provision, "new" means either a food regimen that the nursing home has never before supervised or a food regimen that has been prescribed for a resident for the first time; and

(5) Oversees, or arranges for, the training of staff in performing the duties specified in this rule and in the preparation of special diets. Trained unlicensed staff, including the dietary manager, may perform routine tasks that:

(a) May be delegated pursuant to Chapter 4759. of the Revised Code and this rule; and

(b) Do not require professional judgment or knowledge.

(L) Tube feedings and parenteral nutrition shall be administered by the appropriate licensed health professionals in accordance with acceptable standards of practice. Tube feedings shall not be used for convenience or when in conflict with treatment decisions, or a resident's advance directive, in accordance with applicable provisions of Chapters 1337. and 2133. of the Revised Code.