
8.2.b.1. Assistive devices. The nursing home shall provide special eating equipment and utensils for residents who need them.

8.2.b.2. The nursing home shall evaluate residents having potential to benefit from the assistive devices to assure that the assistive devices meet the residents’ needs...

8.15. Dietary Services.

8.15.a. Dietary Staffing.

8.15.a.1. Dietitian. A nursing home shall employ a qualified dietitian either full-time, part-time, or on a consultant basis.

8.15.a.1.A. A qualified dietitian is one who is registered by the Commission on Dietetic Registration and licensed by the West Virginia Board of Licensed Dietitians; or

8.15.a.1.B. Is qualified as defined by the West Virginia Board of Licensed Dietitians, and is licensed by that board to provide professional nutritional services in West Virginia.

8.15.a.1.C. Consultation shall be based upon the residents’ needs and shall occur at intervals of no less than every thirty (30) days and for no less than eight (8) hours.

8.15.a.2. A dietary manager shall be employed if a dietitian is not employed full-time and shall be one of the following:

8.15.a.2.A. A dietetic technician, registered by the American Dietetic Association;

8.15.a.2.B. A certified dietary manager, as certified by the Dietary Manager’s Association; or

8.15.a.2.C. A graduate of an associate or baccalaureate degree program in foods and nutrition or food service management.

8.15.a.3. The dietary manager, under the direction of the dietitian, is responsible for the daily operation of the dietetic service;

8.15.b. Sufficient staff. A nursing home shall employ sufficient support personnel competent to carry out the functions of the dietary service.

8.15.c. Menus and Nutritional Adequacy.
8.15.c.1. A nursing home shall meet the nutritional needs of residents in accordance with the Recommended Dietary Allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences;

8.15.d. Food. A nursing home shall provide each resident with:

8.15.d.1. Food prepared by methods that conserve nutritive value, flavor, and appearance.
8.15.d.1.A. Meals shall be prepared and served the same day;
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;
8.15.d.3. Food prepared in a form designed to meet individual needs;
8.15.d.4. Food substitutes of similar nutritive value for food the resident refuses;
8.15.d.5. Food prepared with salt, unless contraindicated by a physician’s order; and
8.15.d.6. Iodized salt, if used.

8.15.e. Diets including regular diets. All residents shall have a physician’s order for the specific type of diet he or she is to receive as set forth in the nursing home’s diet manual.

8.15.e.1. Therapeutic and texture modified diets shall be served to residents in accordance with the physician’s orders.

8.15.e.2. Nursing personnel shall advise food service in writing of each resident’s diet order, and a copy of the order shall be kept on file for at least one (1) year.

8.15.e.3. Therapeutic Diets.

8.15.e.3.A. Therapeutic diets shall be prescribed by the attending physician. A current therapeutic diet manual that is not more than five (5) years old and is approved by the dietitian shall be available for nursing personnel and physicians.

8.15.e.4. Recognizing that the resident has the right to refuse medical treatment, all residents have the right to request substitute foods even when this violates the physician’s orders.

8.15.e.4.1. A nursing home shall provide education to the resident regarding the benefits of the prescribed diet and consequences of his or her refusal to eat the prescribed diet.

8.15.e.4.2. A nursing home shall document the informed decision in the resident’s clinical record.

8.15.f. Frequency of meals.

8.15.f.1. A nursing home shall provide at least three (3) meals daily at regular times, or in accordance with residents’ preferences and customary routines.
8.15.f.2. No more than fourteen (14) hours shall elapse between a substantial evening meal and breakfast the following day.

8.15.f.2.A. Breakfast shall not be served before 7:00 A.M., unless by a resident’s request.

8.15.f.3. A nursing home shall offer a nourishing snack at bedtime daily, as determined by the residents needs.

8.15.f.3.A. The amount of the snacks consumed by the resident shall be recorded in the resident’s medical record.

8.15.g. Sanitary conditions. A nursing home shall:

8.15.g.1. Procure food from sources approved or considered satisfactory by Federal, State or local authorities;

8.15.g.2. Store, prepare, distribute, and serve food under sanitary conditions;

8.15.g.2.A. Hold hot foods above 140 F and cold foods at or below 40 F; and

8.15.g.3. Dispose of garbage and refuse properly.

8.15.h. Emergency supplies.

8.15.h.1. A nursing home shall have a planned three (3) day disaster menu that correlates with the emergency food supply.

8.15.h.2. The emergency food supply shall be maintained on the premises with non-perishable foods and disposable supplies to meet all resident needs for three (3) days.

8.15.h.3. The emergency food supply may be incorporated with the regular stock of food supplies

8.15.i. A nursing home shall maintain a dietetic service that is organized either directly by a nursing home or through a written agreement with a contractor who complies with the standards of this rule.

8.15.j. The dietetic service shall be in substantial compliance with the Division of Health rule, Food Establishments,§ 64CSR17.