State Regulations Pertaining to Dieticians and Staff

Note: This document is arranged alphabetically by State. To move easily from State to State, click the
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ALABAMA

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420-5-10-.12 Dietary Services.

(1) The facility must provide each resident with a nourishing, palatable, well balanced diet that meets
the daily nutritional and special dietary needs of each resident.

(a) Staffing. The facility must employ a qualified dietitian either full-time, part-time, or on a consultant
basis.

1. If a qualified dietitian is not employed full-time, the facility must designate a person to serve as the
director of food service who receives frequently scheduled consultation from a qualified dietitian.

2. "Qualified Dietitian" - Is one who is currently licensed in the State of Alabama in accordance with
the provisions contained in current state statutes as governed by the Alabama Board of Examiners for
Dietetic/Nutrition Practice.

(2) Sufficient staff. The facility must employ sufficient support personnel competent to carry out the
functions of the dietary service.

ALASKA

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7 AAC 12.720 DIETETIC SERVICE .

(a) A facility which provides dietetic services must comply with the provisions of this section. (b)
Except as provided in (p) of this section, a facility must employ

(1) a full-time dietitian who is registered by the American Dietetic Association; or

(2) a full-time dietetic service supervisor to supervise the dietetic service and a registered dietitian on
a consulting basis.

(c) A registered dietitian must be available not less than once every three months to provide advice to
the administrator and medical staff, and guidance to the supervisor and staff of the dietetic service,
and shall participate in the development or revision of dietetic policies and procedures.
(e) A facility which provides dietetic services must comply with 18 AAC 31. The facility shall retain written reports of the inspections performed under 18 AAC 31.450 on file with notation of corrective actions in response to citations, if any.

...(m) Current work schedules by job titles and weekly duty schedules for dietetic service personnel must be posted in the dietetic service area and retained for at least three months.

...(o) In this section, a "dietetic service supervisor" means a person who

(1) is a graduate of a dietetic technician or dietetic manager training program, corresponding or classroom, approved by the American Dietetic Association;

(2) is a graduate of a course approved by the department that provided 90 or more hours of classroom instruction in food service supervision, and who has a minimum of two years of experience as a supervisor in a health care institution with consultation from a dietitian;

(3) has training and experience in food service supervision and management in a military service equivalent in content to the programs in (1) or (2) of this subsection;

(4) has completed all nutrition and related coursework necessary to take the registration examination required to become a registered dietitian by the American Dietetic Association;

(5) is certified by the Certifying Board for Dietary Managers of the Dietary Managers Association;

(6) has completed a dietary manager course curriculum approved by the American Dietary Manager Association, is registered by the American Dietetic Association, and is qualified to take the examination required to become certified by the certifying board for dietary managers of the Dietary Managers Association; or

(7) has at least three years of experience in institutional dietary management, 200 or more documented contact hours with a dietitian registered by the American Dietetic Association, and 30 or more continuing education credits that

(A) have been approved by the American Dietetic Association or Dietary Managers Association; and

(B) directly relate to food service management and clinical nutrition.

(p) A rural primary care hospital or a critical access hospital must have a dietitian registered by the American Dietetic Association or a dietetic service supervisor to supervise and monitor the dietary services to ensure the facility meets patients' nutritional needs and the requirements of this section. The services of a registered dietitian or a dietetic services supervisor may be provided on a part-time, offsite basis.

History - Eff. 11/19/83, Register 88; am 5/4/97, Register 142; am 8/2/2000, Register 155 Authority AS 18.05.040 AS 18.20.010 AS 18.20.060

Editor’s Notes - Copies of the Recommended Dietary Allowances, 1989 edition, adopted by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences may be obtained from the National Academy Press at 2101 Constitution Avenue, N.W., Box 285, Washington, D.C., 20055. Information on currently registered dietitians; coursework, qualified training programs, and examination requirements to become a registered dietitian; or approved continuing education
courses may be obtained from the American Dietetic Association, 216 West Jackson Blvd., Suite 800, Chicago, Illinois, 60606, phone: 1-800-877-1600. Information on currently certified dietary managers, approved course curriculum, or continuing education courses for certified dietary managers may be obtained from the Dietary Managers Association, One Pierce Place, Suite 1220W, Itasca, Illinois 60143-1277, phone: 1-800-323-1908.

ARIZONA

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R9-10-912. Food Services

A. An administrator shall ensure that:

4. A registered dietitian is employed full-time, part-time, or as a consultant; and

5. If a registered dietitian is not employed full-time, an individual is designated as a director of food services who consults with a registered dietitian as often as necessary to meet the nutritional needs of the residents.

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).

ARKANSAS

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560 Dietetic Services 561 Staffing

Staff supervisory responsibility for the dietetic services is assigned to a full time, qualified dietetic service supervisor or Certified Dietary Manager. A qualified supervisor is one who has:

a) Completed an approved food services supervisor’s course; or,

b) Been certified by the Certifying Board of Dietary Managers; or,

c) For only those facilities having more than fifty (50) beds, is enrolled in a food services
supervisor course approved by the Office of Long Term Care. For purposes of these regulations, the term a food services supervisor course approved by the Office of Long Term Care means a course of education and training in food services or food services supervision provided by an licensed and accredited educational institution.

Certified Dietary managers and food services supervisors shall complete fifteen (15) hours per year of continuing education courses approved by the Office of Long Term Care. For purposes of these regulations, the term continuing education courses approved by the Office of Long Term Care means continuing education courses offered by the Dietary Managers Association or comparable body, and approved by the Office of Long Term Care.

562 Hygiene of Staff

All food service employees shall wear appropriate, light-colored clothing including hairnet and shall keep themselves and their clothing clean.

All persons working as food handlers in nursing homes shall have in their possession or on file in the home in which they are employed, a current, approved health card.

Persons having symptoms of communicable or infectious diseases or lesions shall not be allowed to work in the dietetic services. Food service employees shall not be assigned duties outside dietetic services.

565 MEAL SERVICE

...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.

...565.8 Nursing home residents will not be permitted to work in the dietetic services. If a patient is to be allowed to scrape trays, there must be a physician’s order.

570 Dietetic Services Staffing

570.1 Staffing shall be correlated to the size of the facility and the total patient meals served. Facilities with fifty-nine (59) beds or less shall be staffed at ten (10) minutes for each meal served.

Facilities with sixty (60) to eighty (80) beds shall be staffed at eight and one-half (8.5) minutes for each meal served.

Facilities with eight-one (81) to one-hundred twenty (120) beds shall be staffed at six (6) minutes for each meal served.

Facilities with one-hundred twenty-one (121) beds or more shall be staffed at five and one-half (5.5) minutes for each meal served.
570.2 Method of determining dietary staffing:

Number (#) for minutes per meal times (x) three (3) equals (=) number of minutes per day, number of minutes per day times (x) number of patients dived by (/) 60 equals (=) number of hours required per day.

570.3 Food Services Supervisors or Certified Dietary Managers in homes of fifty (50) beds or less may be assigned to duties in the department, such as cooking, for no more than fifty percent (50%) of their total work hours, but must be allowed adequate time for supervisory tasks. In homes of more than fifty (50) beds the Food Services Supervisor, Certified Dietary Manager, or an individual enrolled in a food service supervisor course approved by the office of Long Term Care may be assigned to duties such as cooking no more that twenty-five percent (25%) of their total work hours, but must be allowed adequate time from these assignments for supervisory tasks.

570.4 The number of employees will be rounded off to the nearest whole number.

570.5 If deficiencies are found that directly relate to shortage of personnel, additional personnel will be required.

CALIFORNIA

§72035. Dietetic Service Supervisor.

Dietetic service supervisor means a person who meets one of the following requirements:

(a) Is a qualified dietitian.

(b) Has a bachelor's degree with major studies in food and nutrition, dietetics, or food management and has one year of experience in the dietetic service of a health care institution. Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Sections 1276 and 1276.1, Health and Safety Code.

§72335. Dietetic Service--Food Service.

...(5) No food ordered for the facility shall be diverted or taken from the facility. No rebates shall be received or allowed to the facility or its owners, directors, officers or employees from any commercial food source.

(6) When food is provided by an outside resource, the facility shall ensure that all federal, state and local requirements are met. The facility shall maintain a written plan, adequate space, equipment, and food supplies to provide patients' food service in emergencies.

§72351. Dietetic Service--Staff.
(a) A dietitian shall be employed on a full-time, part-time or consulting basis. Part-time or consultant services shall be provided on the premises at appropriate times on a regularly scheduled basis. A written record of the frequency, nature and duration of the consultant’s visits shall be maintained.

(b) If a dietitian is not employed full-time, a full-time person who is a graduate of a state approved course that provides 90 or more hours of classroom instruction in food supervision shall be employed to be responsible for the operation of the food service. The dietetic supervisor may also cook, provided sufficient time is allowed for managerial responsibilities.

(c) Sufficient staff shall be employed, oriented, trained and their working hours scheduled to provide for the nutritional needs of the patients and to maintain the dietetic service areas. If dietetic service employees are assigned duties in other services, those duties shall not interfere with the sanitation, safety or time required for dietetic work assignments.

(d) Current work schedules by job titles and weekly time schedules by job titles shall be posted.

(e) Dietetic service personnel shall be trained in basic food sanitation techniques, wear clean clothing, and a cap or a hair net, and shall be excluded from duty when affected by skin infection or communicable diseases. Beards and mustaches which are not closely cropped and neatly trimmed shall be covered.

(f) Employees’ street clothing stored in the kitchen shall be in a closed area separate from food or items used in food service.

(g) Kitchen sinks shall not be used for handwashing. Separate handwashing facilities with soap, running water and individual towels shall be provided.

(h) Persons other than dietetic service personnel shall not be allowed in the kitchen areas unless required to do so in the performance of their duties.

(i) Smoking shall not be permitted in kitchen areas.

Note: Authority cited: Sections 208(a) and 1275, Health and Safety Code. Reference: Section 1276, Health and Safety Code.
11.3.2 The number of trained food service personnel shall be sufficient to provide food service to the residents in the facility over a period of 12 hours or more per day.

11.4 POLICIES. The facility shall have written policies and procedures approved by the governing body for dietary practices and shall assure that they are followed by staff members.

11.15 NAILPOLISH AND FALSE NAILS. Staff involved in preparing and serving food shall not wear nail polish or false nails.

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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.

1. Each facility shall meet the daily nutritional needs of the patients by providing dietary services directly or through contract.

2. The facility shall:

   ...C. Employ a dietetic service supervisor, who shall supervise the overall operation of the dietary service. If such supervisor is not a dietitian, the facility shall contract for regular consultation of a dietitian;

   D. Employ sufficient personnel to carry out the functions of the dietary service and to provide continuous service over a period of 12 hours, which period shall include all mealtimes.

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**DELAWARE**

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Delaware regulations do not contain specific content for Dieticians and Staff.

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**DISTRICT OF COLUMBIA**

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3218 DIETARY SUPERVISION

3218.1 Nursing employees shall ensure that each resident receives the diet prescribed and shall note any dietary problem in the resident's medical record.
3219 DIETARY SERVICES

3219.2 Each facility shall employ sufficient food service employees who are competent and qualified to carry out the functions of the dietary services.

…3219.5 Each food service employee shall wear clean, washable garments while working, and shall keep his or her hands clean at all times.

3219.6 Each food service employee shall wear either a hair net or other head covering.

3219.7 No smoking or tobacco products shall be permitted in the food preparation area.

3220 GENERAL DIETARY REQUIREMENTS

...3220.4 Each therapeutic diet shall be prescribed by the attending physician and prepared under the guidance of a dietitian.

3220.7 The dietitian preparing the therapeutic diet shall have access to the resident’s medical record and shall document each observation, consultation and instruction regarding the resident’s acceptance and tolerance of his or her prescribed diet.

3220.8 The supervisor or manager of food services shall make weekly rounds at mealtime to observe the preparation and serving of food to residents in order to determine general acceptance of the food by residents.

FLORIDA

59A-4.110 Dietary Services.

(1) The Administrator must designate one full-time person as a Dietary Services Supervisor. In a facility with a census of 61 or more residents, the duties of the Dietary Services Supervisor shall not include food preparation or service on a regular basis.

(2) The Dietary Services Supervisor shall either be a qualified dietitian or the facility shall obtain consultation from a qualified dietitian. A qualified dietitian is one who:

(a) Is a registered dietitian as defined by the Commission on Dietetic Registration, March 1, 1994, which is incorporated by reference, the credentialing agency for the American Dietetic Association and is currently registered with the American Dietetic Association; or

(b) Has a baccalaureate degree with major studies in food and nutrition, dietetics, or food service
management, as defined by the Commission on Dietetic Registration of the American Dietetic Association, March 1, 1994, which is incorporated by reference, has one year of supervisory experience in the dietetic service of a health care facility, and participates annually in continuing dietetic education.

(3) A Dietary Services Supervisor shall be a person who:

(a) Is a qualified dietitian as defined in section 59A-4.110(2)(a), (b), F.A.C.; or

(b) Has successfully completed an associate degree program which meets the education standard established by the American Dietetic Association; or

(c) Has successfully completed a Dietetic Assistant correspondence or classroom training program, approved by the American Dietetic Association; or

(d) Has successfully completed a course offered by an accredited college or university that provided 90 or more hours of correspondence or classroom instruction in food service supervision, and has prior work experience as a Dietary Supervisor in a health care institution with consultation from a qualified dietitian; or

(e) Has training and experience in food service supervision and management in the military service equivalent in content to the program in subparagraphs (3)(b), (c) or (d); or

(f) Is a certified dietary manager who has successfully completed the Dietary Manager’s Course and is certified through the Certifying Board for Dietary Managers and is maintaining their certification with continuing clock hours at 45 CEU’s per three (3) year period.

Specific Authority 400.022(1)(a), (f), (g), 400.141(5), 400.23 F.S. Law Implemented 400.022, 400.102, 400.141, 400.23 F.S. History-New 4-1-82, Amended 4-1-84, 7-1-88, 7-10-91, Formerly 10D-29.110, Amended 4-18-94, 2-6-97.

400.141 Administration and management of nursing home facilities.

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

...(q) If the facility implements a dining and hospitality attendant program, ensure that the program is developed and implemented under the supervision of the facility director of nursing. A licensed nurse, licensed speech or occupational therapist, or a registered dietitian must conduct training of dining and hospitality attendants. A person employed by a facility as a dining and hospitality attendant must perform tasks under the direct supervision of a licensed nurse.
(1) Each home shall employ the services of a qualified dietitian (American Dietetic Association or equivalent qualifications). The services of the dietitian shall not be less than eight (8) hours per month.

...(4) Menus shall be planned or approved by a qualified dietitian and dated...

HAWAII

§11-94-11 Dietetic services.

(a) ...The service shall be directed by a dietetic service supervisor.

...(c) All diets shall be:

(2) Planned, prepared, and served by qualified personnel using the current Hawaii Dietetic Association manual.

(G) There shall be a sufficient number of competent personnel to fulfill the food and nutrition needs of patients.

(H) If the food service is directed by a person other than a qualified dietitian, there shall be frequent and regularly scheduled consultation by a dietitian or public health nutritionist. This consultation shall be given in the facility at the rate of four hours per every twenty-five patients per month and shall not be less than six hours per month. Consultation, training, and inservice education shall be appropriate to staff and patient needs and shall be documented.

IDAHO
107. **DIETARY SERVICE.**

**01. Dietary Supervision.** A qualified food service supervisor shall be designated by the administrator to be in charge of the dietary department. This person shall: (1-1-88)

a. Be responsible for orientation, training, scheduling and supervision of dietary employees on all shifts; (1-1-88)

b. Have sufficient knowledge of food needs to plan adequate menus and modified diets for the patients/residents; (1-1-88)

c. Record current dietary information in the patient's/resident’s care plan and in the medical record. Dietary notes in the medical record shall be made at least quarterly for all patients/residents. Dietary notes shall be made monthly or more often in the medical records of patients/residents with eating problems or who have medical problems relating to diets; (1-1-88)

d. Be encouraged to participate in food service workshops, correspondence courses and other training sessions whenever they are available; (1-1-88)

e. Consult on a regularly scheduled basis with a registered dietitian (or a person with at least a bachelor's degree in foods and nutrition if no dietitian is available). The dietitian shall: (1-1-88)

  i. Assist the person in charge with the development of menus and modified diets as needed; (1-1-88)

  ii. Review and approve menu and diet plans; (1-1-88)

  iii. Provide in-service training for all food service employees; (1-1-88)

  iv. Provide consultation in all areas of food production and service as needed; and (1-1-88)

  v. Act as liaison between the medical staff, nursing staff and the dietary department. (1-1-88)

**02. Dietary Personnel.** There shall be a sufficient number of food service personnel employed, and their hours shall be scheduled to meet the dietary needs of the patients/residents. (1-1-88)

a. The food service department shall be staffed and operated at least twelve (12) hours each day. (1-1-88)

b. Work and duty schedules shall be available in the dietary department for all food service positions. (1-1-88)

c. If food service workers are assigned duties outside of the dietary department, these duties shall not interfere with sanitation, safety or time required for dietary work assignments. (1-1-88) Universal worker

d. No person who has worked in any other area of the facility shall assist with the preparation or serving of food inside of the kitchen without first putting on a clean uniform or gown and a hairnet or cap. Hands must be thoroughly washed. (1-1-88)
e. Dietary personnel engaged in food preparation shall not feed patients/residents in the dining room. (1-1-88)

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**Section 300.830 Consultation Services**

...i) Facilities shall arrange for a dietary consultant as set forth in Section 300.2010(b).

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**Section 300.2010 Director of Food Services**

a) A full-time person, qualified by training and experience, shall be responsible for the total food and nutrition services of the facility. This person shall be on duty a minimum of 40 hours each week.

1) This person shall be either a dietitian or a dietetic service supervisor.

2) The person responsible for the food service may assume some cooking duties but only if these duties do not interfere with the responsibilities of management and supervision.

b) If the person responsible for food service is not a dietitian, the person shall have frequent and regularly scheduled consultation from a dietitian. Consultation, given in the facility, shall include training, as needed, in areas such as menu planning and review, food preparation, food storage, food service, safety, food sanitation, and use of food equipment. Clinical management of therapeutic diets shall also be included in consulting, covering areas such as tube feeding; nutritional status and requirements of residents, including weight, height, hematologic and biochemical assessments; physical limitations; adaptive eating equipment; and clinical observations of nutrition, nutritional intake, resident’s eating habits and preferences, and dietary restrictions.

1) Intermediate care facilities: A minimum of eight hours of consulting time per month shall be provided for facilities with 50 or fewer residents. An additional four minutes of consulting time per month shall be provided per resident over 50 residents, based on the average daily census for the previous year.

2) Skilled nursing facilities: A minimum of eight hours of consulting time per month shall be provided for facilities with 50 or fewer residents. An additional five minutes of consulting time per month shall be provided per resident over 50 residents, based on the average daily census for the previous year.

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**Section 300.2020 Dietary Staff in Addition to Director of Food Services**

There shall be sufficient number of food service personnel employed and on duty to meet the dietary needs of all persons eating meals in the facility. Their working hours shall be scheduled to...
meet the total dietary needs of the residents. All dietary employees’ time schedules and work assignments shall be posted in the kitchen. Dietary duties and job procedures shall be available in the dietary department for employees' knowledge and use. (B)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.2030 Hygiene of Dietary Staff

Food service personnel shall be in good health, shall practice hygienic food handling techniques, and good personal grooming.

INDIANA

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410 IAC 16.2-3.1-20 Dietary services

...(b) The facility must employ a qualified dietitian either full time, part time, or on a consultant basis.

(c) If a qualified dietitian is not employed full time, the facility must designate a qualified person to serve as the director of food service who receives frequently scheduled consultation from a qualified dietitian.

(d) A qualified dietitian is one who is certified under IC 25-14.5. However, a person employed by a health facility as of July 1, 1984, must:

(1) have a bachelor's degree with major studies in food management;

(2) have one (1) year of supervisory experience in the dietetic service of a health care institution; and

(3) participate annually in continuing dietetic education.

(e) The food service director must be one (1) of the following:

(1) A qualified dietitian.

(2) A graduate or student enrolled in and within one (1) year from completing a division approved, minimum ninety (90) hour classroom instruction course that provides classroom instruction in food service supervision who has a minimum of one (1) year experience in some aspect of institutional food service management.

(3) A graduate of a dietetic technician program approved by the American Dietetic Association.

(4) A graduate of an accredited college or university with a degree in foods and nutrition or food administration with a minimum of one (1) year experience in some aspect of food service management.

(5) An individual with training and experience in food service supervision and management in a
military service equivalent in content to the program in subdivisions (2), (3), and (4). (f) The number of consultant dietitian hours shall be commensurate with number of residents, complexity of resident services, and qualifications of food service director with at least the following number of hours being provided:

(1) Four (4) hours every two (2) weeks for a facility of sixty (60) residents or less.
(2) Five (5) hours every two (2) weeks for a facility of sixty-one (61) to ninety (90) residents.
(3) Six (6) hours every two (2) weeks for a facility of ninety-one (91) to one hundred twenty (120) residents.
(4) Seven (7) hours every two (2) weeks for a facility of one hundred twenty-one (121) to one hundred fifty (150) residents.
(5) Eight (8) hours every two (2) weeks for a facility of one hundred fifty-one (151) residents or more.

(g) Sufficient consultant hours shall be provided to allow the dietitian to correlate and integrate the nutritional aspects of resident care services by directing the following functions:

(1) Reviewing the resident’s medical history, the comprehensive assessment, and assessing the resident’s nutritional status.
(2) Interviewing and counseling the resident.
(3) Recording pertinent resident information on the record.
(4) Developing nutritional care goals.
(5) Conferring in interdisciplinary care planning.
(6) Sharing specialized knowledge with other members of the resident care team.
(7) Developing the regular diets to meet the specialized needs of residents.
(8) Developing therapeutic diets.
(9) Monitoring institutional food preparation and service.

(h) A facility must employ sufficient support personnel competent to carry out the functions of the dietary service.
58.24 (1) Organization of dietetic service department. The facility shall meet the needs of the residents and provide the services listed in this standard. If the service is contracted out, the contractor shall meet all the standards. A written agreement shall be formulated between the facility and the contractor and shall convey to the department the right to inspect the food service facilities of the contractor. (III)

a. There shall be written policies and procedures for the dietetic service department that include staffing, nutrition, menu planning, therapeutic diets, preparation, service, ordering, receiving, storage, sanitation, and hygiene of staff. The policies and procedures shall be kept in a notebook and made available for use in the dietetic service department. (III)

b. There shall be written job descriptions for each position in the dietetic service department. The job descriptions shall be posted or kept in a notebook and made available for use in the dietetic service department. (III)

58.24 (2) Dietary staffing.

a. The facility shall employ a qualified dietary supervisor who:

(1) Is a qualified dietitian as defined in 58.24(2) “e”; or

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

(3) Is a certified dietary manager certified by the certifying board for dietary managers of the Dietary Managers Association (DMA) and maintains that credential through 45 hours of DMAapproved continuing education; or

(4) Has completed a DMA-approved course curriculum necessary to take the certification examination required to become a certified dietary manager; or Ch 58, p.25 Inspections and Appeals

(5) Has documented evidence of at least two years’ satisfactory work experience in food service supervision and who is in an approved dietary manager association program and will successfully complete the program within 12 months of the date of enrollment; or

(6) Has completed or is in the final 90-hour training course approved by the department. (II, III)

b. The supervisor shall have overall supervisory responsibility for the dietetic service department and shall be employed for a sufficient number of hours to complete management responsibilities that include:

(1) Participating in regular conferences with consultant dietitian, administrator and other department heads; (III)

(2) Writing menus with consultation from the dietitian and seeing that current menus are posted and followed and that menu changes are recorded; (III)

(3) Establishing and maintaining standards for food preparation and service; (II, III)
(4) Participating in selection, orientation, and in-service training of dietary personnel; (II, III)

(5) Supervising activities of dietary personnel; (II, III)

(6) Maintaining up-to-date records of residents identified by name, location and diet order; (III)

(7) Visiting residents to learn individual needs and communicating with other members of the health care team regarding nutritional needs of residents when necessary; (II, III)

(8) Keeping records of repairs of equipment in the dietetic service department. (III)

c. The facility shall employ sufficient supportive personnel to carry out the following functions:

(1) Preparing and serving adequate amounts of food that are handled in a manner to be bacteriologically safe; (II, III)

(2) Washing and sanitizing dishes, pots, pans and equipment at temperatures required by procedures described elsewhere; (II, III)

(3) Serving of therapeutic diets as prescribed by the physician and following the planned menu. (II, III)

d. The facility shall not assign personnel duties simultaneously in the kitchen and laundry, housekeeping, or nursing service except in an emergency situation. If such a situation occurs, proper sanitary and personal hygiene procedure shall be followed as outlined under the rules pertaining to hygiene of staff. (II, III)

e. If the dietetic service supervisor is not a licensed dietitian, a consultant dietitian is required. The consultant dietitian shall be licensed by the state of Iowa pursuant to Iowa Code chapter 152A.

f. Consultants' visits shall be scheduled to be of sufficient duration and at a time convenient to:

(1) Record, in the resident's medical record, any observations, assessments and information pertinent to medical nutrition therapy; (I, II, III)

(2) Work with nursing staff on resident care plans; (III)

(3) Consult with the administrator and others on developing and implementing policies and procedures; (III)

(4) Write or approve general and therapeutic menus; (III)

(5) Work with the dietetic supervisor on developing procedures, recipes and other management tools; (III)

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(6) Present planned in-service training and staff development for food service employees and others. Documentation of consultation shall be available for review in the facility by the department. (III)
g. In facilities licensed for more than 15 beds, food service personnel shall be on duty for a minimum of a 12-hour span extending from the preparation of breakfast through supper. (III)

“Dietetic Services Supervisor” means an individual who meets one of the following requirements:

1) Is licensed in the state of Kansas as a dietitian.

2) has an associate’s degree in dietetic technology from a program approved by the American dietetic association.

3) has a certificate from a dietary managers’ training program approved by the dietary managers’ association; or

4) has training and experience in dietetic services supervision and management that are determined by the secretary of health and environment to be equivalent in content to the program in paragraphs (2) and (3) of this subsection.

“Dietitian” means an individual who is licensed by the Kansas department of health and environment as a dietitian.

28-39-158. Dietary services.

(a) Staffing.

(1) Overall supervisory responsibility for the dietetic services shall be the assigned responsibility of a full-time employee who is a licensed dietitian or a dietetic services supervisor who receives regularly scheduled onsite supervision from a licensed dietitian. The nursing facility shall provide sufficient support staff to assure adequate time for planning and supervision.

(2) The nursing facility shall implement written policies and procedures for all functions of the dietetic services department. The policies and procedures shall be available for use in the department. Kansas Administrative Regulations: Rules and Regulations for Licensure of Kansas Dietitians 28-59-1 Application for a license or temporary license.

a) Each applicant for a license or temporary license shall submit a completed, department approved application form and any requested supporting documentation to the department together with the appropriate fee specified in K.A.R. 28.59-7
b) Each applicant for a license or temporary license shall provide the department with the applicant’s academic transcripts and proof of receipt of a baccalaureate or post-baccalaureate degree. These documents shall be provided directly to the department by the academic institution.

c) A temporary license may be issued for either of the following purposes:

1) The applicant’s completion of the examination specified in K.A.R. 28-59-4; or

2) The applicant’s accrual of continuing education credits required to reinstate a lapsed license.

d) Each applicant for renewal of a temporary license shall submit a letter to the secretary requesting the renewal and describing why the applicant has failed to obtain a license in the last six months and what measures are being taken to secure a license, together with the temporary license renewal fee specified in K.A.R. 28-59-7.

28-59-2 Application for a person licensed in another state.

a) Each applicant who is presently or has been previously licensed in another state shall submit a completed, department-approved application form with the license fee specified in K.A.R. 28-59-7.

b) Each applicant shall meet current requirements for licensure in Kansas. The requirements of one of the states that issued a license to the applicant shall be at least equal to Kansas licensure requirements at the time the applicant seeks a Kansas license.

c) Each applicant shall be in good standing with each licensing agency that has issued a license to the applicant.

d) “Good standing” means both of the following:

1) The applicant’s license is not under any administrative proceeding.

2) The applicant’s license is not under any disciplinary action.


28-59-3 Educational and experience requirements

a) To determine whether an applicant has complied with the requirements that the person has received a baccalaureate or post-baccalaureate degree pursuant to K.S.A. 65-5906, and amendments thereto, consideration shall be given to whether the course of study is accredited or approved by the American dietetic association or is deemed equivalent by the secretary.

b) Each applicant who has received a baccalaureate or post-baccalaureate degree outside the United States or its territories and whose transcript is not in English shall submit an officially translated English copy of the applicant’s transcript and, if necessary, supporting documents. The transcript shall be translated by a source and in a manner that are acceptable to the secretary. Each applicant shall pay any transcription fee directly to the transcriber.

c) Each applicant who has received a baccalaureate or post-baccalaureate degree outside the United States or its territories shall obtain an equivalency validation from an agency that is approved by the
secretary and that specializes in educational credential evaluations. Each applicant shall pay the required equivalency validation fee directly to the validation agency.

d) Each applicant who has received a baccalaureate or post-baccalaureate degree and whose course of study was not from an American dietetic association accredited or approved program shall obtain an equivalency validation from a college or university accredited or approved dietetics program approved by the secretary.

e) To determine whether an applicant has complied with the requirement that a person complete 900 clock hours of dietetic experience pursuant to K.S.A. 65-5906, and amendments thereto, consideration shall be given to whether or not the supervised experience is acquired through an American dietetic association approved or accredited program for dietitians or is deemed its equivalent by the secretary.

f) Each applicant who did not receive the supervised experience from an American dietetic association accredited or approved program shall obtain an equivalency validation from a college or university accredited or approved dietetics program approved by the secretary.

g) Each applicant shall submit the necessary documentation for an equivalency validation to be made. Each equivalency validation evaluation and corresponding documentation shall be sent directly to the department by the agency providing the validation. After consideration of the evaluation and documentation, the applicant shall be notified in writing of the decision of the secretary.

h) “American dietetic association” means the national professional association that accredits or approves educational programs and supervised experience programs in dietetics. (authorized by K.S.A. 65-5904; implementing K.S.A. 65-5905; effective Feb. 18, 1991; amended March 16, 2001.)

29-59-4 Examination requirement

The following shall be the procedures for the examination of applicants:

a) Each applicant for a license shall pass an examination for dietitians approved by the secretary. The minimum passing score for the examination shall be 25.

b) Each applicant shall have successfully completed a course of study and supervision experience pursuant to K.S.A. 65-5906, and amendments thereto, before submitting an application to sit for the examination.

c) Each applicant shall pay the required examination fee directly to the testing agency.

28-59-5. License renewal

The provisions of this regulation shall not apply to temporary licenses.

a) Each applicant for renewal of a license shall submit a completed, department-approved application form and any requested supporting documentation with the license renewal fee specified in K.A.R. 28-59-7.

b) Each applicant for renewal of a license shall be completed 15 clock hours of documented and approved continuing education during the renewal period. Approved continuing education clock
hours completed in excess of the 15-hours requirement shall not be carried over to the subsequent renewal period. “One clock hour” means a minimum of 50 minutes of direct instruction, exclusive of registration, breaks, and meals.

c) Each application for renewal of a license shall be filed on or before the last day of February of the calendar year in which the license expires. Licenses shall be renewable biennially, with the day of expiration being the last day of February of the applicable year.

d) “Sponsorship” means an approved, long-term sponsoring of programs for the purpose of fulfilling renewal or reinstatement continuing education requirements. Each approved sponsor shall be accountable for upholding the standards in place for the approval of continuing education programs under the authority of the department. Each sponsor shall make application and fulfill requirements as prescribed on department-approved forms. The authority to sanction or otherwise discipline an approved sponsor shall be maintained by the department. These sanctions may include any of the following:

1) Supplementary documentation;

2) program restrictions;

3) temporary or permanent suspension of long-term sponsorship approval; or

4) other disciplinary steps as prescribed by the department.

e) Methods of accruing continuing education hours:

1) Continuing education may be accrued from any of the following:

A) Academic courses;

B) workshops, seminars, or poster sessions;

C) self-directed study materials; or

D) presentations.

2) Academic courses shall be from a regionally accredited college or university.

3) Self-study materials may include audio tapes, study kits, and videotapes.

f) The content and objective of the continuing education activity shall be primarily related to the practice of dietetics pursuant to K.S.A. 65-5902, and amendments thereto. The purpose of the educational activity shall be the furthering of the applicant’s education and shall not be a part of the applicant’s job responsibilities. In-service shall be considered to be part of the applicant’s job responsibilities.

g) Each applicant shall have requested and received approval by the department for continuing education activities before submission of the license renewal application and license renewal fee.

h) Approval for a continuing education activity may be obtained by either of the following methods:
A) The instructor or sponsor of a single-offering continuing education activity submitting information and documentation on forms approved by the department before the activity’s occurrence; or

B) the applicant submitting information and documentation on forms approved by the department requesting approval for an activity that has already taken place.

2) An organization, institution, agency, or individual shall be qualified for approval as a long-term sponsor of continuing education activities if, after review of the application, the secretary determines that the applicant agrees to perform all of the following:

A) Present organized programs of learning;

B) present subject matter that integrally relates to the practice of dietetics;

C) approve and present program activities that contribute to the professional competency of the licensee; and

D) sponsor program presenters who are individuals with education, training, or experience qualifying them to present the subject matter of the programs.

i) All continuing education sponsors that received approval as specified in paragraph (h)(2) shall provide a certificate of attendance to each licensee who attends a continuing education activity. This certificate shall state the following:

1) The sponsor’s name and approval number;

2) the date of the program;

3) the name of the participant;

4) the total number of clock hours of the approved activity attended, excluding introductions, registration, breaks, and meals;

5) the activity title and its presenter;

6) the location; and

7) an indication of whether or not the activity has been approved for dietetics continuing education.

j) Assignment of clock hours to approved continuing education activities shall be determined by the following criteria:

1) One academic-semester credit hour course shall be equivalent to 15 clock hours of continuing education. One academic-trimester credit hour course shall be equivalent to 14 clock hours of continuing education. One academic quarter credit hour course shall be equivalent to 10 clock hours of continuing education.

2) One academic-semester credit hour course audited shall be equivalent to eight clock hours of continuing education. One academic-trimester credit hour course audited shall be equivalent to seven clock hours of continuing education. One academic-quarter credit hour course audited shall be equivalent to five clock hours of continuing education.
3) One clock hour of contact between a presentation instructor and the applicant shall be equivalent to one clock hour of continuing education for the applicant.

A) Contact time shall be rounded down to the nearest one-half hour interval.

B) The presenting instructor may be given two clock hours of continuing education for every one clock hour of contact between the instructor and the attendees for each first-time preparation and presentation of a new workshop, seminar, or poster session.

C) If the presentation was presented by more than one instructor, the continuing education clock hours shall be prorated among the instructors.

4) One clock hour of time required to complete the self-directed study material, as specified by the sponsor of the material, shall be equivalent to one clock hour of continuing education. The criteria for approving self-directed study shall include the following:

A) Contact time shall be rounded down to the nearest one-half hour interval.

B) Each applicant shall provide validation of actual completion of the material.

k) Each applicant shall maintain individual records of information and documentation of approved continuing education hours. A verification of these records shall be submitted to the department as part of the license renewal application.

l) Each licensee whose initial licensure period is less than 24 months shall be required to obtain not less than one-half of continuing education for each month in the initial licensure period.

28-59-5a Reinstatement of license.

Each applicant for reinstatement of a license shall meet the following criteria:

a) Submit an application on department-approved forms accompanied by the appropriate fee specified in K.A.R. 28-59-7; and

b) document and verify the accumulation of not less than 15 hours of approved continuing education as specified in K.A.R. 28-59-5 for the previous complete or partial licensure period. The required hours of approved continuing education shall have been accumulated within the past two calendar years before the date of application for reinstatement.

28-59-6 Unprofessional conduct

Any of the following acts shall be evidence of unprofessional conduct of a licensee, temporary licensee, or applicant:

a) Misrepresenting any professional qualifications or credentials;

b) promoting or endorsing products in a manner that is misleading or false;

c) making false or misleading claims about the efficacy of any dietetic services;

d) permitting the use of one’s name or credentials for the purpose of certifying the dietetic services have been rendered when the licensee or applicant has not provided or supervised the provision of
the services;

e) failing to maintain the knowledge and skills required for continuing professional competence;

f) failing to exercise appropriate supervision over persons if there is a supervisory relationship;

g) impersonating another person who is licensed;

h) knowingly allowing another person to use one's license;

i) assisting another person to obtain a license under false pretense;

j) failing to report to the department alleged violations of K.S.A. 65-5901, et seq., and amendments
thereeto, and article 59 of these regulations;

l) refusing to cooperate in a timely manner with the department’s investigation of complaints lodged
against a licensee, temporary licensee, or applicant;

m) acquiring or providing a commission or rebate or any other form of remuneration for referral to
any other services or the use of any services.

n) failing to disclose to a client any interest in commercial enterprises that the licensee, temporary
licensee or applicant promotes for the purpose of personal gain or profit

o) using undue influence on a client, including the promotion of the sales of services and products in a
manner that exploits the client for financial gain or personal gratification;

p) failing to provide prospective clients with information, including obligation for the payment and
financial arrangements, that might affect the client’s decision to enter into the relationship;

q) misrepresenting professional competency by performing or offering to perform services that are
clearly unwarranted on the basis of education, training, or experience; or

r) failing to conform to generally accepted principle and standards of dietetic practice, which
shall be those generally recognized by the profession as appropriate for the situation presented,
including those promulgated or interpreted by professional or governmental bodies.

28-59-7 Fees

a) The license application fee shall be $140.00. The license application fee for an initial licensure
period of less than 24 months shall be prorated at $5.50 per month for any full or partial month, until
the last day of February of the calendar year that is not less than 12 months and not more than 24
months from the date of application.

b) The license renewal fee shall be $135.00.

c) The license renewal late fee shall be $50.00

d) The temporary license application fee shall be $70.00

e) The temporary license renewal fee shall be $70.00
f) The application fee for reinstatement of a lapsed or revoked license shall be $100.00 in addition to the license renewal fee established in subsection (b) of this regulation.

g) The wall or wallet card license replacement fee shall be $10.00 h) The sponsorship application fee shall be $150.00

28-59-8 Change of name or address

a) Each licensee shall notify the department of any changes in name or mailing address within 15 days of these changes.

b) Notification of address changes shall be made directly to the department and shall include the name, old mailing address, new mailing address, and zip code.

c) Within 90 days of the notification of name change, the following shall be received by the department:

1) A copy of a marriage certificate, the court decree evidencing the change, or a social security card reflecting the new name; and

2) payment of the applicable fee specified in K.A.R. 29-59-7 if a new wallet card is requested. In addition, the previously issued identification card shall be returned to the department

KENTUCKY

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Section 10 [nursing facilities].

(1) Staffing. The facility shall employ a qualified dietician either full time, part time, or on a consultant basis.

(a) If a qualified dietician is not employed full time, the facility shall designate a person to serve as the director of food service.

(b) Qualified dietician means a person who has earned at least a baccalaureate degree from a college or university which is accredited by the Southern Association of Colleges and Universities, or an accrediting agency recognized by the Southern Association of Colleges and Universities or a successor to the powers of both; and

1. Successfully completed minimum academic requirements established by the Commission on Dietetic Registration, an affiliate of the National Commission for Health Certifying Agencies; or

2. Successfully completed one (1) of the accredited experience options established by the
Commission on Dietetic Registration, which includes but is not limited to, completion of an accredited coordinated undergraduate program, an accredited dietetic internship, and approved three (3) preplanned work experience, or a master’s degree in nutrition or a related area with six (6) months of full-time or equivalent qualifying experience.

(2) Sufficient staff. The facility shall employ sufficient support personnel competent to carry out the functions of the dietary service.

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**LOUISIANA**

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Definition:

Dietary Manager — a person who:

1. is a licensed dietitian; or

2. is a graduate of a dietetic technician program; or

3. has successfully completed a course of study, by correspondence or classroom, which meets the eligibility requirements for certification by the Dietary Manager’s Association; or

4. has successfully completed a training course at a state approved school (vocational or university) which includes coursework in foods, food service supervision, and diet therapy.

Documentation of an eight-hour course of formalized instruction in diet therapy, conducted by the employing facility’s qualified dietitian, is permissible if the course meets only the foods, and food service supervision requirements; or

5. is currently enrolled in an acceptable course of not more than 12 months which will qualify an individual upon completion.

§9817. Dietary Service Personnel

A. The nursing home shall employ a licensed dietitian either full-time, part-time or on a consultant basis. A minimum consultation time shall be not less than eight hours per month to ensure nutritional needs of residents are addressed timely. There shall be documentation to support that the consultation time was given.

B. If a licensed dietitian is not employed full-time, the nursing home shall designate a full-time person to serve as the dietary manager.

C. Residents at nutritional risk shall have an in-depth nutritional assessment conducted by the
consulting dietitian.

D. The nursing home shall employ sufficient support personnel competent to carry out the functions of the dietary services.

MAINE

18.A. Policies and Procedures

18.A.1. Dietetic services shall be described in the facility's policy and procedure manual with at least the following:

State Regulations pertaining to category_dietary_services_dieticians_and_staff ME

a. Organization and dietetic services offered;
b. Personnel management;
c. Staffing and budgeting;
d. Orientation and in-service education;
e. Menu planning;
f. Therapeutic diets;
g. Resident clinical nutritional care;
h. Purchasing, receiving, and storing of food and supplies;
i. Food preparation and service;
j. Meal and nourishment service;
k. Safety, sanitation, and infection control;
l. Time parameters for storage of opened or leftover foods; and
m. Disaster feeding plan.

18.A.2. Dietetic services will be represented in the professional policy group.

18.B. Staffing

18.B.1. There shall be sufficient numbers of adequately trained staff to carry out the functions of
dietetic services and to meet the dietary needs of residents.

...18.B.3. Food Service Supervisor

There shall be a full-time employee who meets the definition of a qualified Food Service Supervisor (Dietetic Service Supervisor) assigned the overall responsibility for dietetic service.

18.B.4. A Food Service Supervisor (Dietetic Service Supervisor) is a person who:

a. Is a qualified dietitian; or

b. Is a graduate of a dietetic technician program, approved by the American Dietetic Association; or is a graduate of the Dietary Managers Association approved course and has passed the Certifying Board for Dietary Managers credentialing exam; or

c. Is a graduate of a State-approved course in food service supervision; or

d. Has training and experience in food service supervision and management in a military service, equivalent to the requirements in (b) or (c) above.

Responsibilities of the Food Service Supervisor shall include performance, supervision or approval of the following:

a. Administration

1. Orientation and training for all staff on hygiene practices, with emphasis on handwashing techniques, food preparation, storage, handling and sanitation;

2. Establishing work schedules and assignments for all staff;

3. Participating in development and review of dietary service policies and procedures;

4. Participating in planning and conducting in-service education for dietetic, nursing and other staff, as needed; and

5. Menu planning and ordering of food and supplies.

b. Resident Services

1. Interviewing all new residents regarding food preferences and maintaining records of pertinent nutrition information;

2. Participating in patient care planning conferences when indicated;

3. Reporting to the nursing staff and/or consultant dietitian, and documenting, as necessary, significant observations and resident responses to dietary plans of care; and

4. Documenting, as necessary, in residents’ medical records the nutritional care delivered, with guidance from consultant dietitian.

c. Preparation, Service and Sanitation
1. Supervising preparation and service of all food including monitoring food temperatures and reviewing residents’ meal trays for compliance with the prescribed diet;

2. Monitoring food storage in all areas of the facility including stock rotation, inventory control, and proper packaging, labeling and dating of food; and

3. Assuring that proper sanitation procedures are implemented in the kitchen and warewashing areas and all other areas in the facility where food is stored, prepared and served.

18.B.5. Dietitian

If the nursing facility does not employ a Registered Dietitian, there must be a written agreement with a Registered Dietitian currently licensed to practice in the State of Maine to provide consultation.

18.B.6. Responsibilities of Consultant Registered Dietitian Responsibilities shall include:

a. Preparing reports for the administrator at least monthly, reflecting all activities and recommendations;

b. Evaluating the functions of the dietetic services, identifying strengths, weaknesses and priorities;

c. Participating in the development and revision of policies and procedures;

d. Reviewing and approving all menus, including therapeutic diets, to ensure nutritional adequacy and conformity to physician diet orders;

e. Counseling residents and/or family members when appropriate;

f. Documenting pertinent information regarding residents’ nutritional care and status in medical record, as necessary;

g. Participating in the assessment of residents and in patient care planning conferences as needed;

h. Planning, with Food Service Supervisor, inservice education programs for dietetic employees at least quarterly. Providing inservice for other staff as needed and requested; and

i. Participating in residents’ discharge planning as indicated by residents’ needs.

MARYLAND

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10.07.02.13 Dietetic Services.

A. Services Provided. Services may be provided directly by the facility or the facility may contract with a food management company, a caterer, or another facility. The facility and the food
management company (or caterer or facility providing service) shall comply with these regulations. Food service personnel shall comply with COMAR 10.15.03 Food Service Facilities.

B. Supervision.

(1) In facilities exceeding 50 beds, overall supervisory responsibilities for the dietetic service shall be assigned to a full-time qualified dietetic service supervisor. It shall be the responsibility of the supervisor to delegate relief duties to a person qualified to serve as relief. (See Supportive Personnel, Regulation .07J, above.)

(2) In facilities with 26--50 beds, exceptions may be made by the Department to allow the supervisor to share cooking responsibilities with the full-time cook.

(3) In facilities with 25 beds or fewer, responsibility may be assigned to the full-time cook.

(4) If a facility can demonstrate that because of the experience and training of its personnel and the physical layout and equipment, less supervisory personnel is required, the Department may modify the above requirements for supervision.

C. Consultation.

(1) If the supervisor is not a dietitian, the individual shall receive regularly scheduled consultation from a registered dietitian or other qualified person. In all instances, sufficient consultation shall be provided to fulfill all required responsibilities.

(2) There shall be a signed agreement between the facility and the consultant dietitian specifying hours and frequency of service responsibilities, and registration number if applicable.

(3) Consultation services shall be documented by written reports.

D. Staffing.

(1) A sufficient number of food service personnel shall be employed to carry out efficiently the functions of the dietetic service and meet the dietary needs of the patient.

(2) Working hours shall be scheduled to insure that the dietetic needs of the patients are met.

(3) Nursing, housekeeping, laundry, or other personnel may not be utilized as dietetic staff.

Exceptions may be made only upon the written approval of the Department. The kitchen may not be used for any purpose other than the preparation of food.
150.009: Dietary Service

A) All facilities shall provide adequate dietary services to meet the daily dietary needs of patients and residents in accordance with written dietary policies and procedures.

1) Dietary services shall be directed by a food service supervisor and shall be organized with established lines of accountability and clearly defined job assignments.

2) Dietary services shall be provided directly by the facility, or facilities may contract with an outside food company provided the facility and the food company comply with 105 CMR 150.000; provided the facility or the company has a qualified dietician who serves, as required in 105 CMR 150.000; and provided the facility and the dietitian provide for continuing liaison with physicians and the nursing staff.

B) All facilities shall provide sufficient numbers of adequately trained personnel to plan, prepare and serve the proper diets to patients or residents.

1) A full or part-time dietician shall be employed to direct and supervise the dietary services or there shall be a written agreement with a dietician on a consultant basis to provide these services.

a) Facilities that provide Level I or II care shall provide a dietician for a minimum of four hours a week for a single unit and an additional two hours per week for each additional unit.

b) Facilities that provide Level III care shall provide a dietitian for a minimum of two hours per week for each unit.

c) Facilities that provide Level IV care shall have an arrangement for the provision of dietary services as needed.

d) The visits of the dietitian shall be of sufficient duration and frequency to provide consultation, evaluation and advice regarding dietary personnel, menu planning, therapeutic diets, food production and service procedures, maintenance of records, training programs and sanitation.

e) A written record shall be kept on file in the facility of dates, time, services rendered and recommendations made by the consultant.

2) Facilities that provide Level I, II, or III care shall provide a fulltime food service supervisor. He may be the cook or the chef, but he shall spend a portion of his time in management functions. Facilities that provide Level IV care shall provide a cook as needed to meet residents’ dietary needs.

a) The food service supervisor shall be responsible for supervising food service personnel, the preparation and serving of food and the maintenance of proper records.

b) There shall be proper supervision of the dietary service during all hours of operation. When the food service supervisor is absent during hours when other food service personnel are on duty, a
responsible person shall be assigned to assume his job functions.

3) All facilities shall employ a sufficient number of food service personnel and their working hours shall be scheduled to meet the dietary needs of the patients.

a) Food service employees shall be on duty over a period of 12 or more hours.

b) Food service employees shall be trained to perform assigned duties.

c) In facilities that provide Level I or II care, food service employees shall not regularly be assigned to duties outside the dietary department.

d) Work assignments and duty schedule shall be posted and kept current.

e) All dietary personnel (including tray servers) shall be 16 years or age or older

4) All food service personnel shall be in good health, shall practice hygienic food handling techniques and shall conform to 105 CMR 590.000: State Sanitary Code Article X- Minimum Sanitation Standards for Food Service Establishments.

a) All food services personnel shall wear clean, washable garments, shoes hairnets or clean caps, and keep their hands and fingernails clean at all times.

b) Personnel having symptoms of communicable disease, including acute respiratory infections, open infected wounds, or known to be infected with any disease in a communicable form or in a carrier state, shall not be permitted to work.

c) Employees shall not use tobacco in any form while engaged in food preparation or service, or while in equipment washing, food preparation or food storage areas.
(b) Has completed all nutrition and related coursework necessary to take the registration examination required to become a registered dietitian.

(c) Is a graduate of a dietetic technician training program approved by the American dietetic association.

(d) Is a graduate of an approved correspondence or classroom dietetic assistant training program which qualified such person for certification by the hospital, institution, and educational food service society.

(e) Is a graduate of a dietetic assistant training program granted approved status by the Michigan department of public health before July 6, 1979.

(2) When the dietary or food services supervisor is other than a registered dietitian, the supervisor shall receive routine consultation and technical assistance from a registered dietitian (R.D.). Consultation time shall not be less than 4 hours every 60 days. Additional consultation time may be needed based on the total number of patients, incidence of nutrition-related health problems, and food service management needs of the facility.

History: 1981 AACS; 1983 AACS.

R 325.20802 Policies and procedures.

Rule 802. There shall be written policies and procedures for food storage, preparation, and service; written job descriptions for dietary personnel; and in-service training for dietary personnel.

History: 1981 AACS.

**MINNESOTA**

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4658.0605 DIRECTION OF DIETARY DEPARTMENT.

Subpart 1. Dietitian. The nursing home must employ a qualified dietitian either full time, part time, or on a consultant basis. For purposes of this chapter, a "qualified dietitian" means a person who:

A. is registered by the Commission on Dietetic Registration of the American Dietetic Association;

B. is licensed under Minnesota Statutes, section 148.624; or

C. has a bachelor's degree in dietetics, food and nutrition, or food service management plus experience in long-term care and ongoing continuing education in identification of dietary needs, and planning and implementation of dietary programs.
Subp. 2. Director of dietary service. If a qualified dietitian is not employed full time, the administrator must designate a director of dietary service who is enrolled in or has completed, at a minimum, a dietary manager course, and who receives frequently scheduled consultation from a qualified dietitian. The number of hours of consultation must be based upon the needs of the nursing home. Directors of dietary service hired before May 28, 1995, are not required to complete a dietary manager course.

4658.0610 DIETARY STAFF REQUIREMENTS.

Subpart 1. Sufficient personnel. The nursing home must employ sufficient personnel competent to carry out the functions of the dietary service. “Sufficient personnel” means enough staff to plan, prepare, and serve palatable, attractive, and nutritionally adequate meals at proper temperatures and appropriate times.

Subp. 2. Health. The dietary staff must be free from symptoms of communicable disease and from open, infected wounds.

Subp. 3. Grooming. Dietary staff must wear clean outer garments. Hairnets or other hair restraints must be worn to prevent the contamination of food, utensils, and equipment. Hair spray is not an acceptable hair restraint.

Subp. 4. Hygiene. Dietary staff must thoroughly wash their hands and the exposed portions of their arms with soap and warm water in a handwashing facility before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, using the toilet, or handling soiled equipment or utensils. Dietary staff must keep their fingernails clean and trimmed.

Subp. 5. Tobacco use. Employees must not use tobacco in any form while on duty to handle, prepare, or serve food, or clean utensils and equipment.

Subp. 6. Eating. All employees must consume food only in areas designated for employee dining. An employee dining area must not be designated if consuming food in that location could cause contamination of other food, equipment, or utensils. This subpart does not apply to cooks or other persons designated by the cook who test the food for flavor and palatability.
accredited by the American Dietetic Association Commission on Accreditation and Approval of Dietetic Education and earns 15 hours of continuing education units every year approved by the Dietary Manager's Association or the American Dietetic Association.

2. A person who has successfully graduated from a didactic program in Dietetics approved by the American Dietetic Association Commission on Accreditation and Approval of Dietetic Education and earns 15 hours of continuing education units every year approved by the Dietary Manager's Association or the American Dietetic Association.

3. A person who has successfully completed a Dietary Manager's Course approved by the Dietary Manager's Association and who passes the credentialing examination and earns 15 hours of continuing education units every year approved by the Dietary Manager's Association or the American Dietetic Association.

4. A person who has successfully completed a Dietary Manager's Course approved by the Dietary Manager's Association and earns 15 hours of continuing education units every year approved by the Dietary Manager's Association or the American Dietetic Association.

127 GENERAL

127.01 Direction and Supervision. ... The dietary department of a facility shall be directed by a Registered Dietitian, a certified dietary manager, or a qualified dietary manager. If a qualified dietary manager is the director, he/she must receive frequent, regularly scheduled consultation from a licensed dietitian, or a registered dietitian exempted from licensure by statute.

129.08 Serving of Meals.

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.

...4. Food Service personnel. A competent person shall be designated by the administrator to be responsible for the total food service of the home. Sufficient staff shall be employed to meet the established standards of food service. Provisions should be made for adequate supervision and training of the employees.
Editor’s Note: All rules relating to long-term care facilities licensed by the Division of Aging are followed by a Roman Numeral notation which refers to the class (either class I, II or III) of standard as designated in section 198.085.1,

(1) ... A qualified professional, such as a dietitian or registered nurse, shall regularly assess these needs and shall keep the physician informed of the nutritional status of the resident. I/II

...(14) There shall be sufficient personnel properly trained in their duties to assure adequate preparation and serving of food. II

(15) All facilities shall employ a food service supervisor who shall have overall supervisory responsibility for dietary services. II

(16) Menus for special prescribed diets shall be reviewed and approved in writing by either a qualified dietitian, a registered nurse or a physician. II/III

MONTANA

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Montana regulations do not contain specific content for Dieticians and Staff.

NEBRASKA

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12-006.04B  Training: The facility must provide initial and ongoing training designed to meet the needs of the resident population. Training must be provided by a person qualified by education, experience, and knowledge in the area of the service being provided. The training must include the following:

...12-006.04B2  Ongoing Training: The facility must ensure each employee receives ongoing training to ensure continued compliance with regulations and facility policy. The record of such training must include a notation of type of training, name of employee(s), date of training, and name of person providing the training.
12-006.04B2c Director of Food Service: When the director of food service is not a qualified dietitian, the director must have at least 15 hours of continuing education related to dietetics each year, 5 hours of which relate to sanitation. Evidence of credentials and of continuing education must be available within the facility.

12-006.04D Dietary Services Staffing:

The facility must employ sufficient personnel competent to carry out the functions of the dietary services in a safe and timely manner.

12-006.04D1 Qualified Dietitian: The facility must employ a qualified dietitian on a full-time, part-time, or consultant basis.

12-006.04D1a The qualified dietitian is responsible for the general guidance and direction of dietary services, assessing special nutritional needs, developing therapeutic diets, regular diets, developing and implementing inservice education programs, participating in interdisciplinary care planning when necessary, supervising institutional food preparation, service and storage.

12-006.04D2 Food Service Director: The facility must designate a person to serve as the director of food service who receives scheduled consultation from a registered dietitian or licensed medical nutrition therapist if a qualified dietitian is not employed full-time.

12-006.04D2a To qualify as director of food service the employee must be one of the following:

1. A graduate of a dietetic technician program approved by the American Dietetic Association;

2. An individual with a bachelor's degree in foods and nutrition;

3. A graduate of a dietetic assistant program approved by the American Dietetic Association, qualifying for certification by the Dietary Managers Association;

4. A graduate of a dietary manager program approved by the Dietary Managers Association and qualifying for certification by the Dietary Managers Association; or

5. An individual who successfully completes a course in food service management offered by an accredited university, community college, or technical college, whose curriculum meets at least the minimum requirements of any of the programs described in 175 NAC 12-006.04D2a, items 1-3, whether or not formally approved by the entities named in those sections. 12-006.04D3 The dietitian or director of food service is responsible for ensuring residents are provided with a nourishing, palatable, well-balanced diet that meets the daily nutritional and special dietary needs of each resident. The director of food service or his/her designee must participate in the interdisciplinary care plan.
NEVADA

NAC 449.74525 Dietary services. (NRS 449.037)

1. A facility for skilled nursing shall employ full time, part time or as a consultant, a person who is registered as a dietitian by the Commission on Dietetic Registration of the American Dietetic Association. If a registered dietitian is not employed full time, the facility shall designate a person to serve as the director of food service who receives frequently scheduled consultations from a registered dietitian.

2. A facility shall employ an adequate number of qualified and competent personnel to provide food service to the patients in the facility.

NEW HAMPSHIRE

He-P 803.20 Food Services.

(a) The licensee shall provide food services that:

...(4) Include provision of a food service manager who shall;

a. Be responsible for the day to day operation of the kitchen; and

b. Have knowledge of the nutritional requirements for residents and of the planning and preparation of prescribed diets;

NEW JERSEY

8:39-17.1 Mandatory structural organization for dietary services

(a) The facility shall designate a full-time food service director who, if not a dietitian, functions with scheduled consultation from a dietitian. The food service director shall be responsible for the direction, provision, and quality of dietary services.

(b) Menus shall be planned and scheduled by the food service director or the dietitian, and shall be
approved by the dietitian at least 14 days in advance.

(c) The dietitian shall perform the dietary assessment and reassessment, which shall include examination of and communication with the resident if the resident's condition permits.

(d) Services that are provided by a food service company shall be covered by a written contract. (c) The facility shall designate responsibility for observation and documentation of meals refused or missed by a resident and of any resident who requires assistance with meals.

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

...(d) A dietitian shall adhere to an established system of nutritional assessment, which shall include examination of and communication with the resident if the resident's condition permits. 8:39-

17.3 Mandatory staffing amounts and availability for dietary services

(a) The dietitian shall spend an average of 15 minutes per resident each month providing dietary services in the facility, which requires one full-time equivalent dietitian for every 693 residents.

(b) Dietary service personnel shall be present for a period of at least 12 hours each day.

(c) For each meal, the facility shall assign staff to help residents who require assistance with eating

SUBCHAPTER 18. ADVISORY DIETARY SERVICES

8:39-18.1 Advisory structural organization for dietary services.

A registered dietitian performs the resident dietary assessment and participates in the interdisciplinary plan of care.

8:39-18.2 Advisory staff qualifications for dietary services

The director of dietary services or the dietitian is registered by the Commission on Dietetic Registration of the American Dietetic Association (R.D.).

8:39-18.3 Advisory staffing amounts and availability for dietary services

The dietitian spends an average of 20 minutes per resident each month providing dietary services in the facility. (This is an average. It is equal to one full-time equivalent dietitian for every 520 residents.)
7.9.2.52 DIETARY SERVICE:

The facility shall provide a dietary service or contract for a dietary service which meets the requirements of this section.

A. STAFF:

(1) Full or part-time supervisor: The dietary service shall be supervised by a full-time supervisor, except that an intermediate care facility with fewer than fifty (50) residents may employ a person to work as supervisor or part-time.

(2) Qualifications: The dietary service supervisor shall be either:

(a) A dietitian; or

(b) Shall receive necessary consultation from a dietitian and shall have completed a course of study of not less than ninety (90) hours credit in food service supervision at a vocational, technical, or adult education school or equivalent, or presently be enrolled in such a course of study; or hold an associate degree as a dietetic technician.

(3) Staff: There shall be dietary service personnel on duty at least twelve (12) hours daily who may include the supervisor.

Section 415.14 - Dietary services

415.14 Dietary services.

(a) Direction. The facility shall employ a qualified dietitian either full-time, part-time or on a consultant basis who shall be responsible for the nutrition services in the nursing home.

(1) The facility shall designate a qualified dietitian or a dietetic service supervisor.

qualified on the basis of education, training and experience in food service management to serve as the director of food service. If the director of food service is not a qualified dietitian, such individual shall receive frequently scheduled consultation from a qualified dietitian.
(2) A qualified dietitian is one who is qualified based upon:

(i) registration by the Commission on Dietetic Registration of the American Dietetic Association, (ii) education, training and experience in identification of dietary needs, planning and implementation of dietary program, or

(iii) certification as a certified dietitian or certified nutritionist in accordance with Article 157 of the Education Law.

(b) Sufficient staff. The facility shall employ sufficient professional and support personnel competent to carry out the functions of the dietary service.

(1) The availability of qualified dietitian services shall be related to the number of beds in the nursing homes, the amount and type of dietary supervision required, and the complexity of resident needs and additional full or part-time qualified dietitians shall be utilized commensurate with such factors. Each resident's nutritional care shall be under the direction of a qualified dietitian.

(2) The facility shall utilize one or more dietetic service supervisor(s) with consultation by a qualified dietitian to manage the food service in the absence of the qualified dietitian.

NORTH CAROLINA

10A NCAC 13D .2701 PROVISION OF NUTRITION AND DIETETIC SERVICES

...(b) The facility shall designate a person to be known as the director of food service who shall be responsible for the facility's dietetic service and for supervision of dietetic service personnel. If this person is not a dietitian, he or she shall meet the criteria for membership in the Dietary Managers Association which is hereby incorporated by reference including subsequent amendments and editions. Copies of criteria may be obtained from the Dietary Managers Association, 406 Surry Woods Drive, St. Charles, IL 60174 at no cost. If the course has not been completed, this person shall be enrolled in a course and making satisfactory progress for completion within the time limit specified by course requirements.

(c) If the food service supervisor is not a dietitian, the facility shall employ a dietitian on at least a consultant basis. The consultant shall submit written reports to the administrator and food service supervisor.

(d) The dietitian shall spend sufficient time in the facility to assure the following parameters of nutrition have been addressed and that recommended successful interventions have been met:

(1) An analysis of weight loss or gain;

(2) Laboratory values;

(3) Clinical indicators of malnutrition;
(4) Drug therapy that may contribute to nutritional deficiencies;

(5) The amount of meal and supplement consumed to meet nutritional needs;

(6) Increased nutritional needs related to disease state or deterioration in physical or mental status, i.e., decubitus, low protein status, inadequate intake, or nutrition provided via enteral or parenteral route.

(e) There shall be sufficient dietetic personnel employed competent to meet the nutritional needs of all patients in the areas of therapeutic diets, food preparation and service, principles of sanitation, and resident’s rights as related to food services.

(o) The facility shall have a current nutrition care manual or handbook approved by the dietitian, medical staff and the Administrator which shall be used in the planning of the regular and therapeutic diets and is accessible to all staff.

16. Dietary services.

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.

2. 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.

3701-17-07 Qualifications and health of personnel.

...(H) A food service manager designated pursuant to paragraph (K) of rule 3701-17-18 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.

3701-17-18 Food and nutrition.

...(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 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.

OKLAHOMA

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310:675-9-12.1. Dietary services

a) Services...There shall be a designated staff person qualified by experience or training, responsible for directing or supervising the dietary services. The food service supervisor, in conjunction with a qualified nutritionist or registered/licensed dietitian, shall develop a dietary care plan for each resident. There shall be sufficient dietary staff to meet the needs of all residents.

...c) Nutritional assessment. A nutritional assessment shall be completed for each resident that addresses all pertinent dietary problems such as chewing or swallowing, elimination, appetite or eating habits, pertinent lab results, weight and height, diet and medication interactions, food preferences and assistive devices. The dietary staff shall have input into the resident’s individual care plan.

310:675-13-6. Registered/licensed dietician or qualified nutritionist

(a) The facility shall have a registered/licensed dietician or qualified nutritionist to sufficiently meet the needs of all residents. The registered/licensed dietician or qualified nutritionist shall consult with the food service supervisor, director of nursing, administrator and physicians.

(b) The registered/licensed dietician or qualified nutritionist shall supervise and direct the residents' nutritional care, advise and consult with appropriate staff, and provide inservice training for food service personnel and direct care staff.

(c) A qualified nutritionist shall complete eight hours of continuing education a year approved by the Department. [Source: Added at 9 Ok Reg 3163, eff7-1-92 (emergency); Added at 100k Reg 1639, eff6-1-93]

310:675-13-7. Food service staff

(a) Food service supervisor.
(1) The food services supervisor shall be responsible for all aspects of food service preparation and delivery. The food services supervisor may serve only one facility. The food service supervisor hours shall be sufficient to meet the residents’ needs.

(2) The food service supervisor shall complete certification as a dietary manager within three (3) years of beginning employment.

(3) The food service supervisor shall complete, and maintain continuous, ServeSafe food safety certification, or a Department approved alternative, within ninety (90) days of beginning employment.

(b) Food service staff.

(1) The facility shall have food service staff on duty sufficient to meet the residents' needs. There shall be at least one (1) hour of food service staff per three (3) residents, a day based on the daily census.

(2) The food service staff shall complete basic orientation program before working in the food service area. This orientation shall include, but not be limited to: fire and safety precautions, infection control, and sanitary food handling practices.

(3) Each food service staff member shall successfully complete a food service training program offered or approved by the Department within ninety (90) days of beginning employment.

Food service training shall be renewed as required by the authorized training program. [Source: Added at 9 OkReg3163, eff 7-1-92 (emergency); Added at 10 Ok Reg 1639, eff 6-1-93; Amended at 24 Ok Reg 2030, eff 6-25-071; Amended at 25 Ok Reg 2482, eff 7-11-08]

OREGON

Downloaded January 2011

411-086-0250 Dietary Services

..2) DIETARY SERVICES DIRECTOR.

a) Qualifications. Overall supervision of the dietary service shall be assigned to a full-time dietary service director, who is a registered dietician, or:

A) Is a graduate of a dietetic technician training program (correspondence or classroom) approved by the American Dietetic Association or dietary management training approved by the American Dietary Manager Association; and

B) Has on-site consultation provided at least monthly.

i) The consultant shall be a registered dietician or a person with a baccalaureate degree or higher with
major studies in food, nutrition, diet therapy, or food service management. ii) The consultant shall have at least one year of supervisory experience in an institutional dietary service and shall participate in continuing education annually.

iii) The visits of the consultant shall be of sufficient duration to review dietary systems and assure quality food to the resident.

b) Responsibilities. The dietary services director has responsibility, with guidance from the consultant if the director is not a registered dietician, for:

A) Orientation, work assignments, supervision of work, and food handling technique for dietary service staff. The director shall assure that employees who have or exhibit signs of a communicable disease do not remain on duty;

B) Participation in regularly scheduled conferences with the administrator and department heads and in the development of dietary policy (OAR 411-085-0210), procedures, and staff development programs; and

C) Menu planning, recommending and/or ordering food and supplies to be purchased, and record-keeping.

3) STAFFING. The facility shall employ supportive personnel to carry out functions of the dietary service. There shall be food service personnel on duty at least 12 consecutive hours each day.

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**PENNSYLVANIA**

Downloaded January 2011

§ 211.6. Dietary services

...c) Overall supervisory responsibility for the dietary services shall be assigned to a full-time qualified dietary services supervisor.

d) If consultant dietary services are used, the consultant’s visits shall be at appropriate times and of sufficient duration and frequency to provide continuing liaison with medical and nursing staff, advice to the administrator, resident counseling, guidance to the supervisor and staff of the dietary services, approval of menus, and participation in development or revision of dietary policies and procedures and in planning and conducting inservice education and programs.

e) A current therapeutic diet manual approved jointly by the dietitian and medical director shall be readily available to attending physicians and nursing and dietetic service personnel.

f) Dietary personnel shall practice hygienic food handling techniques. An employee shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to hygienic practices while on duty. Employees shall wash their hands thoroughly with soap and water before starting
work, after visiting the toilet room and as often as necessary to remove soil and contamination.

RHODE ISLAND

Downloaded January 2011

Section 27.0 Dietetic Services

27.1 Each facility shall maintain a dietetic service under the supervision of a full-time person who, as a minimum, is a graduate of a State approved course that provided instruction in food service supervision and nutrition and has experience in the organization and management of food service.

a) When the dietary manager is absent, a responsible person shall be assigned to supervise dietetic service personnel and food service operations.

27.2 When the dietary manager is not a qualified dietitian who is registered or eligible for registration by the commission of dietetic registration and/or licensed by the State, the facility shall obtain per written contractual arrangement adequate and regularly scheduled consultation from a qualified dietitian.

27.3 The responsibilities of the qualified dietitian shall include but not be limited to:

a) advising the administration and the supervisor of dietetic services on all nutritional aspects of resident care, food service and preparation;

b) reviewing food service policies, procedures and menus to insure the nutritional needs of all residents are met in accordance with reference 12;

c) serving as liaison with medical and nursing staff on nutritional aspects of resident care; ) providing dietary counseling to residents when necessary;

f) planning and conducting regularly scheduled in-service education programs which shall include training in food service sanitation;

g) preparing reports which shall include date and time of consultation and services rendered, which reports shall be signed and kept on file in the facility; and

h) recording observations and information pertinent to dietetic treatment in the resident's medical record;

i) input in care plan development.

...25.5 Policies and procedures shall be established for the dietetic service, pertaining to but not limited to the following:

a) responsibilities and functions of personnel;
b) standards for nutritional care in accordance with reference 12;

c) alterations or modifications to diet orders or schedules;

d) food purchasing storage, preparation and service;

e) safety and sanitation relative to personnel and equipment in accordance with reference 10; and

f) ancillary dietary services, including food storage and preparation in satellite kitchens and vending operations in accordance with reference 10; and

g) a plan to include alternate methods and procedures for food preparation and service, including provisions for potable water, to be used in emergencies.

25.6 All facilities shall provide sufficient and adequately trained supportive personnel, competent to carry out the functions of the dietetic services.

a) The dietetic services shall have employees on duty over a period of 12 or more hours per day, seven days per week.

b) Those employees involved in direct preparation of food (as opposed to distribution of food, dishwashing, etc.) shall not be involved in resident care.

c) Housekeeping and nursing personnel may assist in food distribution, but not food preparation. Careful handwashing shall be done prior to assisting in food distribution.

SOUTH CAROLINA

Downloaded January 2011

1405. Meal Service Staff

A. The health and cleanliness of all those engaged in food preparation and serving shall be in accordance with R.61-25. (II)

B. The meal service operations shall be under the direction of a dietitian or qualified food service supervisor who shall be responsible for supervising the meal service staff, planning, preparation and serving of food and the maintenance of proper records. A staff member shall be designated, by name or position, to act in the absence of this person. (II)

C. A qualified food service supervisor shall be a person who: (II)

1. Is a graduate of a dietetic technician training program approved by the American Dietetic Association; or
2. Is a graduate of a course of study meeting the requirements of the American Dietetic Association and approved by the state; or

3. Has at least three (3) years of training and experience in meal service supervision and management in a military service equivalent in content to the programs described in Sections 1405.C.1 and C.2.

D. A qualified food service supervisor shall receive consultation from a dietitian who is available on a full-time, part-time or consultant basis. (II)

E. There shall be a dietitian available to provide dietary review, menu planning, and consultation. If a dietitian is not a staff member of the facility, there shall be a valid contract for services between the facility and the dietitian. (II)

F. All meal service staff shall wear clean clothes, maintain personal cleanliness, and conform to hygienic practices while on duty. Shoes worn by meal service staff shall be closed-toed. Only authorized persons shall be allowed in the kitchen. (II)

G. Sufficient staff members shall be available to serve food and to provide individual attention and assistance, as needed. (II)

H. Individuals engaged in the preparation and service of food shall wear clean hair restraints, e.g., hair nets, hair wraps, hats, that will properly restrain all hair of the face and head and prevent contamination of food and food contact surfaces. (II)

I. There shall be trained staff members to supervise the preparation and serving of the proper diet to the residents including having sufficient knowledge of food values in order to make appropriate substitutions when necessary. (II)

J. Residents shall not be permitted to engage in food preparation unless the following criteria are met: (II)

1. The ICP of the resident has indicated food preparation as suitable and/or beneficial to the resident;

2. The resident is directly supervised by staff members, i.e., shall be in the food preparation area with the resident.

K. Meal service staff shall have the responsibility of accompanying the food to the floor, when necessary.
13) "Dietary manager," a person who is a dietitian, a graduate of an accredited dietetic technician or dietetic manager training program, a graduate of a course that provides 120 or more hours of classroom instruction in food service supervision, or a certified dietary manager recognized by the National Certifying Board of Dietary Managers and who functions with consultation from a dietitian;

44:04:07:07. Director of dietetic services.

A full time dietary manager who is responsible to the administrator shall direct the dietetic services. Any dietary manager that has not completed a Dietary Manager’s course, approved by the Dietary Managers Association, must enroll in a course within 90 days of the hire date and complete the course within 18 months. The dietary manager and at least one cook must successfully complete and possess a current certificate from a ServSafe Food Protection Program offered by various retailers or the Certified Food Protection Professional’s Sanitation Course offered by the Dietary Managers Association, or successfully completed equivalent training as determined by the Health Department. The dietary manager shall monitor the dietetic service to ensure that the nutritional and therapeutic dietary needs for each patient or resident are met. If the dietary manager is not a dietitian, the facility shall schedule dietitian consultations onsite at least monthly. The dietitian must approve all menus, assess the nutritional status of patients or residents with problems identified in the assessment, and review and revise dietetic policies and procedures during scheduled visits. Adequate staff whose working hours are scheduled to meet the dietetic needs of the patients or residents must be on duty daily over a period of 12 or more hours in nursing facilities or 10 or more hours in hospitals.


A registered dietitian shall ensure a nutritional assessment is completed on each new resident upon admission; any resident having a significant change in diet, eating ability, or nutritional status; monthly for any resident receiving tube feedings; and on any resident with a disease or condition that puts the resident at significant nutritional risk. A monthly tube feeding assessment must include nutritional adequacy of calories, protein, and fluids. An annual assessment shall be completed for each resident. 44:04:07:16. Required dietary inservice training.

The dietary manager or the dietitian in hospitals and nursing facilities, and the person-in-charge of dietary services or the dietitian in assisted living centers shall provide ongoing inservice training for all dietary and food-handling employees. The person-in-charge of any hospital without an in-house dietary department that uses a contracted dietary service shall provide ongoing inservice training for all dietary and food-handling employees. Topics shall include: food safety, handwashing, food handling and preparation techniques, food-borne illnesses, serving and distribution procedures, leftover food handling policies, time and temperature controls for food preparation and service, nutrition and hydration, and sanitation requirements.
1200-8-6-.06 BASIC SERVICES.

...(9) Food and Dietetic Services.

(a) The nursing home must have organized dietary services that are directed and staffed by adequate qualified personnel. A facility may contract with an outside food management company if the company has a dietitian who serves the facility on a full-time, part-time, or consultant basis, and if the company maintains at least the minimum standards specified in this paragraph and provides for constant liaison with the facility medical staff for recommendations on dietetic policies affecting resident treatment. If an outside contract is utilized for management of its dietary services, the facility shall designate a full-time employee to be responsible for the overall management of the services.

(b) The nursing home must designate a person, either directly or by contractual agreement, to serve as the food and dietetic services director with responsibility for the daily management of the dietary services. The food and dietetic services director shall be:

1. A qualified dietitian; or

2. A graduate of a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association; or,

3. A graduate of a state-approved course that provided ninety (90) or more hours of classroom instruction in food service supervision and who has experience as a food service supervisor in a health care institution with consultation from a qualified dietitian.

(c) There must be a qualified dietitian, full time, part-time, or on a consultant basis, who is responsible for the development and implementation of a nutrition care process to meet the needs of residents for health maintenance, disease prevention and, when necessary, medical nutrition therapy to treat an illness, injury or condition. Medical nutrition therapy includes assessment of the nutritional status of the resident and treatment through diet therapy, counseling and/or use of specialized nutrition supplements.

...(e) Education programs, including orientation, on-the-job training, inservice education, and continuing education shall be offered to dietetic services personnel on a regular basis. Programs shall include instruction in the use of equipment, personal hygiene, proper inspection, and the handling, preparing and serving of food.
Staffing

The facility must employ a qualified dietitian either full-time, part-time, or on a consultant basis.

1) A qualified dietitian is one who is qualified based upon either:

   A) registration by the Commission on Dietetic Registration of the American Dietetic Association; or
   B) licensure, or provisional licensure, by the Texas State Board of Examiners of Dietitians. These individuals must have one year of supervisory experience in dietetic service of a health care facility.

2) If a qualified dietitian is not employed full-time, the facility must designate a person to serve as the director of food service who receives frequently scheduled consultation from a qualified dietitian.

3) The designated director of food service is responsible for the overall operation of the dietary service. If the director is not a qualified dietitian, he must receive consultation from a qualified dietitian. The director of food service must participate in regular conferences with the administrator and with the registered nurse who has responsibility for the resident and the resident’s plan of care. In conferences concerning the resident’s plan of care, the director of food service must make recommendations and assist in developing personnel policies.

4) The director of food service must be at least:

   A) a qualified dietitian;
   B) an associate-in-arts graduate in nutrition and food management (such as Dietetics, Home Economics, or Restaurant Management);
   C) a graduate of a dietetic technician or dietetic assistant training program approved by the American Dietetic Association, or the Dietary Manager’s Association, whether conducted by correspondence or in a classroom;
   D) a person who has completed a state-agency-approved 90-hour course in food service supervision; or
   E) a person who has training and experience in food service supervision and management in a military service equivalent in content to the programs in subparagraphs (A)-(D) of this paragraph and has had his training credentials evaluated and approved by the nutrition program specialist of the Texas Department of Human Services’ Long Term Care-Regulatory.

RULE §19.1103 Sufficient Staffing

The facility must employ sufficient dietary support personnel who are competent to carry out the functions of the dietary service.
RULE §19.1104 Dietary Consultant Requirements

a) The facility must ensure a qualified dietitian is available as frequently and for such time as is necessary to assure each resident a diet that meets the daily nutritional and special dietary needs of each resident, based upon the acuity and clinical needs of the resident. The facility must ensure that monthly dietary consultant hours are provided, at a minimum, as follows:

1) facility population: 60 residents or under - eight hours;

2) facility population: each additional 30 residents or fraction thereof - four hours.

b) To meet the consultant-hour requirement, time is accrued and counted exactly as rendered.

c) The qualified dietitian must be a part of the interdisciplinary team conducting assessment and care planning where indicated by the individual resident’s needs.

d) The facility must outline consultant services in a signed contract.
(1) Organization.

(a) There shall be an organized dietary service that provides safe, appetizing, and nutritional food service to residents.

(b) The service shall be under the supervision of a qualified dietetic supervisor or consultant.

(c) If a facility contracts with an outside food management company, the company shall comply with all applicable requirements of these rules.

(2) See R432-150-24.

7.14 Dietary Services

(a) Staffing.

The facility must employ a qualified dietitian either full-time, part-time, or on a consultant basis.

(1) If a qualified dietitian is not employed full-time, the facility must designate a person to serve as the director of food service who receives frequently scheduled consultation from a qualified dietitian.

(2) A qualified dietitian is one who is qualified based upon either registration by the Commission on Dietetic Registration of the American Dietetic Association, or on the basis of education, training or experience in identification of dietary needs, planning and implementation of dietary programs.

(3) Sufficient staff. The facility must employ sufficient support personnel competent to carry out the functions of the dietary service


A. The dietary and food service operation shall meet all applicable sections of 12 VAC 5-421.
B. There shall be a food service manager, qualified as allowed in 12 VAC 5-421-60, responsible for the full-time management and supervision of the dietary service.

C. If the food service supervisor is not a dietitian qualified according to § 54.1-2731 of the Code of Virginia, the nursing facility shall have a written agreement for ongoing consultation from a registered dietitian who meets the qualifications of § 54.1-2731 of the Code to provide guidance to the food service supervisor on methods for maintaining the dietary service, planning of nutritionally balanced meals, and assessing the dietary needs of individual residents.

D. The dietitian's duties shall include the following:

1. Developing all menus, including therapeutic diets prescribed by a resident’s physician;

2. Developing, revising, and annually reviewing dietary policies, procedures and job descriptions;

3. Assisting in planning and conducting regularly scheduled inservice training that includes, but is not limited to:
   a. Therapeutic diets;
   b. Food preparation requirements; and
   c. Principles of sanitation.

4. Visiting residents on a regular basis to discuss nutritional problems, depending upon their needs and level of care, and recommending appropriate solutions.

...G. Food service shall be staffed for not less than 12 hours during the day and evening. Duty schedules shall be retained for at least 30 days.

...K. Visitors or employees assigned to other duties in the nursing facility shall not be allowed in the food preparation area during food preparation and resident meal service hours, except in cases of emergency.

WASHINGTON

388-97-1160 Dietary personnel.

The nursing home must have sufficient support personnel capable of carrying out the functions of dietary services and must:

(1) Employ a qualified dietitian either full-time, part-time or on a consultant basis who must:

(a) Approve regular and therapeutic menus which meet the dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences;
(b) Prepare dated menus for general and modified diets at least three weeks in advance;

(c) Provide services which include:

(i) Nutrition assessment;

(ii) Liaison with medical and nursing staff, and administrator;

(iii) Inservice training; and

(iv) Guidance to the director of food service, and food service staff.

(2) If a qualified dietitian is not employed full-time as the food service manager the nursing home must employ a food service manager to serve as the director of food service.

(3) The food service manager means:

(a) An individual who is a qualified dietitian; or

(b) An individual:

(i) Who has completed a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association/Dietary Manager Association; and

(ii) Receives regularly scheduled consultation from a qualified dietitian.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1160, filed 9/24/08, effective 11/1/08.

WEST VIRGINIA

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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;

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.

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WISCONSIN

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HFS 132.63 Dietary service

...(2) STAFF.

(a) Dietitian. The nursing home shall employ or retain on a consultant basis a dietitian to plan, direct and ensure implementation of dietary service functions.

(b) Director of food services.

1. The nursing home shall designate a person to serve as the director of food services. A qualified director of food services is a person responsible for implementation of dietary service functions in the nursing home and who meets any of the following requirements:

   a. Is a dietitian.

   b. Has completed at least a course of study in food service management approved by the dietary managers association or an equivalent program.

   c. Holds an associate degree as a dietetic technician from a program approved by the American dietetics association.

2. If the director of food services is not a dietitian, the director of food services shall consult with a qualified dietitian on a frequent and regularly scheduled basis.

(c) Staffing.

The nursing home shall employ a sufficient number of dietary personnel competent to carry out the functions of the dietary service.

(3) HYGIENE OF STAFF.

Dietary staff and other personnel who participate in dietary service shall be in good health and
practice hygienic food handling techniques.

Note: For inservice training requirements, see s. HFS 132.44 (2) (b).

**WYOMING**

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Section 11. Dietetic Services.

(a) Dietary Supervision.

Overall supervisory responsibility for the dietetic service shall be assigned to a full-time qualified dietetic supervisor.

(i) If the qualified supervisor is not a Registered Dietitian, she/he shall be a graduate of a dietetic technician program approved by the American Dietetic Association or a dietary managers’ educational program approved by the Certifying Board for Dietary Managers. Training and experience in food service supervision and nutrition equivalent in content to the approved educational programs are acceptable.

(ii) Visits of the consultant dietitian shall be scheduled to assure that the professional dietetic service needs of the facility are met.

These visits shall be:

(A) For at least eight (8) hours every other week, so that adequate time is allowed for observation of more than one (1) meal per visit; or,

(B) For at least four (4) hours every week so that adequate time is allowed to observe the preparation and serving of food at meal time. The weekly visits shall be scheduled to allow for observation of different meals.

(C) Visits shall not be limited to evenings and weekends only.

(iii) Reports of the consultant dietitian shall be made verbally and in writing to the Administrator or his/her designee. The reports shall be kept on file with notations made of actions taken by the facility. The report shall include dates, length of time on-site, functions performed and recommendations.

(iv) The consultant or staff dietitian shall develop written plans and conduct or supervise inservice programs for dietary personnel on a monthly basis.

(v) The consultant or staff dietitian shall participate in the development of policies and procedures, as well as the development or approval of all menus.

(vi) The consultant dietitian is to provide assistance and advice, as needed, regarding the dietary department budget.
(vii) The consultant or staff dietitian shall maintain interdisciplinary communication and act as the dietetic service's chief liaison to the medical and nursing staffs.

(viii) The dietetic supervisor shall be responsible for department orientation, training, scheduling, and work assignments for all dietetic service personnel.

(ix) The dietetic supervisor shall be responsible for menu planning, ordering or recommending the purchase of supplies, monitoring the department budget, controlling costs, maintaining associated records, etc.

(x) The dietetic supervisor shall be responsible for the development of policies and procedures. These polices shall be maintained in a manual and reviewed at least annually. Reviews and revisions shall be dated and signed by the supervisor and the consultant or staff dietitian.

(xi) If the dietetic supervisor also has responsibility for cooking, adequate time shall be allowed for supervisory management.

(b) Hygiene of Dietary Department. Food service personnel shall be in good health and shall practice safe food handling techniques in accordance with the current edition of FOOD CODE published by the U. S. Department of Health and Human Services, Public Health Services, Food and Drug Administration.

(i) Personnel having a communicable disease that can be expected to be transmitted through food shall not be permitted to work until the disease is no longer communicable or medical clearance is received from a physician or an advanced practitioner.

FEDERAL REGULATIONS

§ 483.35 Dietary services.

The facility must provide each resident with a nourishing, palatable, well-balanced diet that meets the daily nutritional and special dietary needs of each resident.

(a) Staffing. The facility must employ a qualified dietitian either full-time, part-time, or on a consultant basis.

(1) If a qualified dietitian is not employed full-time, the facility must designate a person to serve as the director of food service who receives frequently scheduled consultation from a qualified dietitian.

(2) A qualified dietitian is one who is qualified based upon either registration by the Commission on Dietetic Registration of the American Dietetic Association, or on the basis of education, training, or experience in identification of dietary needs, planning, and implementation of dietary programs.
(b) Sufficient staff. The facility must employ sufficient support personnel competent to carry out the functions of the dietary service.